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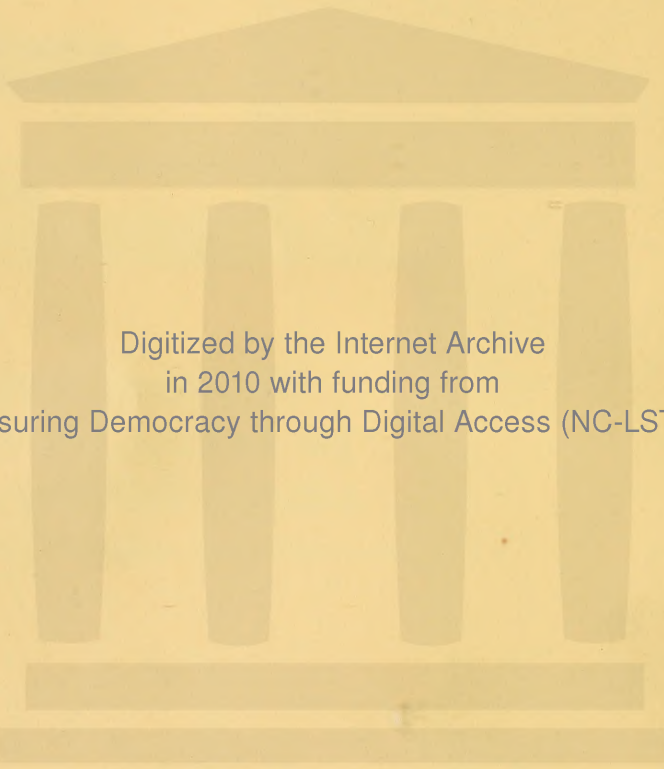
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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION 1868-'69.



RALEIGH, N. C.:

M. S. LITTLEFIELD, STATE PRINTER AND BINDER.

1869.

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CAPTIONS

TO THE

PRIVATE LAWS AND RESOLUTIONS.

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CAPTIONS

TO THE

PRIVATE LAWS AND RESOLUTIONS,

Session 1868--'69.



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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

UNIVERSITY OF TORONTO

STATE OF NORTH CAROLINA

County of _____

CHAS. W. BROWN

of the County of _____

do hereby certify that _____

is the owner of _____

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

Session 1868-'69.

CHAPTER I.

AN ACT TO INCORPORATE THE NORTH CAROLINA MUTUAL
HOME INSURANCE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. D. Jones, J. H. Davis, P. A. Dunn, O. S. Hayes, B. P. Williamson, W. H. Murdock, Chas. E. Dunn, and all other persons who may hereafter be associated with them in the name and style of "The North Carolina Mutual Home Insurance Company," are hereby constituted a body politic and corporate, to have succession for ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any Court of Record, or other Court, or places whatsoever, and may have and use a common seal, and may hereafter break and renew the same at will, and may purchase and hold such real and personal estate as may be deemed necessary to effect the objects of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such

Incorporated a
body politic.

*Amended
Ch. 90,
Private Laws,
1874-'75*

by-laws, ordinances and resolutions, not being contrary to the laws of this State and of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs, and do, and execute all such acts and things as may be necessary to carry into effect the provisions of this act.

Affairs, how managed.

SEC. 2. That the affairs of this Company shall be governed and managed by a Board of Directors, to consist of not less than three, nor more than seven members or stockholders, as may be regulated by the by-laws of the Company; and the President and two Directors shall constitute a quorum for the transaction of business.

Directors.

SEC. 3. That the persons named in the first section of this act are hereby constituted a Board of Directors to serve as such until others are chosen, which may be done by them.

President.

SEC. 4. That the Board of Directors shall elect a President and Secretary, and such other officers as they may see fit, who shall hold their offices for one year and until others are chosen and qualified in their places. The Board of Directors may, and are hereby vested with the power to appoint or elect an Executive Committee, to consist of not less than three, who shall have power to transact all business of the Company in the absence of the Board of Directors.

Premium and notes.

SEC. 5. That premium or deposit notes may be received by the Board of Directors from the assured, which shall be paid at such time or times, and in such sum or sums as the Directors may, agreeably to their by-laws, require, to pay the expenses and losses of the Company; and the Directors may fix the amount to be paid at the time of insuring, and any party applying for insurance, so electing, may pay a definite sum of money in full for insurance, and in lieu of a premium note. But no member shall be bound to pay in the whole more than the amount of his premium note or notes and cash premiums.

Home office.

SEC. 6. That the home office of this Company shall be in the City of Raleigh, in the State of North Carolina, but

may be removed to any other Town or place in the State whenever the Directors may deem it necessary or convenient to carry out the provisions of this act.

SEC. 7. That suits at law may be maintained by this Company against any of its members, and by any of its members against the Company. And in any suit between the Company and any of its members, any member shall be admitted as a competent witness for and in behalf of this Company.

Suits at law.

SEC. 8. That this Company may insure against loss or damage, by fire, lightning, wind or tornado or any other insurance whatsoever, that the Directors may deem proper, including Life and Accidental Insurance, and this Company is hereby vested with all powers that any Insurance Company has or may have, to transact business in this State; and they may charge and receive such premiums as may be agreed upon by this Company, and the parties insured.

Insurance.

SEC. 9. That if any member should fail to pay any assessment for the term of thirty days after notice thereof, the Company may bring an action or suit at law, and recover the whole amount of his or their premium note or notes, with costs of suit, and attorney's fees for collecting the same, and the Company shall retain the same until thirty days after his or their policy or policies may expire, which were issued on account of said note or notes, and the amount not consumed in payment of expenses and losses to be refunded to the parties on demand.

SEC. 10. That the cash premiums, together with the premiums and deposit notes, shall constitute the capital stock of this Company, which may be increased by a guarantee capital as heretofore provided for.

Stock.

SEC. 11. That for the better security of the policyholders, the said Company shall deposit with the Treasurer of State, and there keep on deposit bonds of the State to the amount of twenty thousand dollars, which shall be held in trust by him for the benefit of the policyholders of said

Company to deposit bonds.

Company, and in case any policy-holder shall be unable to collect of said Company any loss which he may have met with, while holding any policy in said Company, the said Treasurer shall pay to said policy-holder any sum which said policy holder may recover in any Court of competent jurisdiction, and in case the said Treasurer shall so have to pay out any such sum or sums, then said Company shall immediately replace such amount in the hands of said Treasurer, so that there shall never be less than twenty thousand dollars in his hands. And the said Company may have subscribed and guaranteed stock to the amount of five hundred thousand dollars, and at least of that amount one hundred thousand dollars shall have been subscribed before the Company commences business; and the whole of such stock, together with said deposit, shall be liable for the losses of said Company whenever the cash premiums and premium notes are insufficient to pay the same, and the holders of said stock shall be entitled to representation in the election of Directors in the ratio of one vote for every one hundred dollars. Scrip certificates may be issued for such stock, transferable only on the books of the Company.

SEC. 12. That nothing herein contained shall be so construed as to prevent this Company from receiving any of the benefits, or from complying with any general insurance law that may hereafter be enacted.

Power of Directors.

SEC. 13. That the Board of Directors or Executive Committee may invest and employ the funds of the Company in such way and manner as they may judge that the interest and welfare of the Company may require.

SEC. 14. That this act be in force from any after its ratification.

Ratified the 14th day of December, A. D. 1868.

CHAPTER II.

AN ACT FOR THE RELIEF OF P. T. MASSEY, CLERK OF THE SUPERIOR COURT OF THE COUNTY OF JOHNSTON, AND E. G. HILL, SHERIEF OF THE COUNTY OF JOHNSTON.

WHEREAS, P. T. Massey, Clerk of the Superior Court of the County of Johnston, and E. G. Hill, Sheriff of the County of Johnston are amerced, and judgment granted against them for the sum of one thousand dollars each, as delinquents for the non-payment of taxes, and, whereas, the said Massey and Hill are not in fault in the non-payment above mentioned: Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That the judgments above mentioned are remitted, and that the said Massey and Hill are entitled to all fees, the same as though judgment had not been granted. Remitted.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 16th day of December, A. D. 1868.

CHAPTER III.

AN ACT TO INCORPORATE THE LAND AND LUMBER COMPANY OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That William Underwood, Charles W. Smith, Joseph Underwood, Frederick Paxson, William Dupps, Thomas Robinson, William Clark, William Burgess and John Charles, their associates, successors and assigns, be and they Body politic.

are hereby created a corporation and body politic, in law and in fact, by the name and style of "The Land and Lumber Company of North Carolina," for the purpose of erecting saw mills, planing mills and all kinds of machinery for the manufacture of wood into material for houses, doors, sash, blinds, barrels, boxes and agricultural implements, and for converting wood into such shapes and conditions as to make the same useful, saleable and marketable, and to dispose of the same, and to connect therewith such other branches of business, as they may deem expedient, to carry out more fully the several designs of this corporation, and as such body politic and corporate, and by such name may sue and be sued, plead and be impleaded, may adopt a common seal, and alter the same at will, and may make all necessary by-laws and regulations for its government as it may deem wise, not inconsistent with the provisions of this charter, and the laws of this State and of the United States.

Rights and privileges.

SEC. 2. That said corporation shall have, use and enjoy all the rights, powers and privileges required to effectuate the purposes whereunto it was created, and shall have the right and power to purchase, hold, sell, transfer and convey all property and estate, whether real or personal, as may be required, or as said corporation may deem necessary or expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payment of its debts, or advances of money to its use, shall have power to borrow money, and to issue their bonds for such sums and on such time as they wish, and it may take all securities to secure debts due to it.

Roads, Canals, &c.

SEC. 3. The said corporation shall have power to construct such roads and canals for transferring logs, wood or material of any kind, to or from any lands they may purchase, and also to erect such rooms as they may require to stow away and preserve the same, not obstructing the navigation of any stream that is now declared a public highway by the laws of this State, and making a fair and just compensation for any damage done to private property.

SEC. 4. That the capital stock of said corporation shall consist of shares, the par value of which shall not exceed one million of dollars, the number and value of which shares shall be fixed and regulated in the by-laws and regulations of said corporation, and the stock of said Company shall be personal property, and shall be transferable as the by-laws and regulations of said Company may provide; and at all the meetings of said corporation each stockholder shall be entitled to one vote, either in person or by proxy for each share held by him.

Capital stock.

SEC. 5. That the affairs of said corporation shall be managed by a Board of Directors of not less than three nor more than nine, as the stockholders may determine, which Board of Directors shall be annually chosen by the stockholders, and such Directors shall choose a President of their number. If at any regular annual meeting the stockholders shall fail to elect new Directors, then these Directors shall continue in office until their successors are duly elected and qualified.

Directors to manage affairs.

SEC. 6. That the within named corporators, or any three of them, shall have power to open books and subscribe to the capital stock of said Company, and that when twenty-five thousand dollars shall be subscribed and the first instalment thereon paid, they shall have power to organize the Company, and make such by-laws and regulations as may be necessary to carry out the intention of its creation.

Books.

SEC. 7. That no portion of this act shall be so construed as to give this Company banking privileges.

Banking privilege not allowed.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 17th day of December, A. D. 1868.

CHAPTER IV.

AN ACT FOR THE RELIEF OF JAMES RUMLEY, LATE CLERK OF
THE COUNTY COURT OF CARTERET COUNTY.

Preamble.

WHEREAS, It appears that in the Superior Court for the County of Wake, Fall Term, 1868, judgment was entered against James Rumley, as Clerk of the County Court of Carteret County, for failing to return to the Auditor of Public Accounts, on or before the first day of July, 1868, an abstract of taxes due from said County for said year, and, whereas, the said Clerk could not return a full and complete abstract of the taxes of said County within the time prescribed by law, for the reason that the tax list takers for some of the Districts of said County failed to return the lists to the office of the Clerk of the County Court in time to enable him to make out the taxes on said lists before the expiration of his term of office as Clerk of said County; therefore,

Judgment remit-

SECTION 1. *The General Assembly of North Carolina do enact*, That James Rumley, late Clerk of the County Court of Carteret County, be released from the judgment entered against him and his sureties in the Superior Court for the County of Wake, Fall Term of 1868, as fully and effectually as though no judgment had ever been entered against him or his sureties.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 17th day of December, A. D. 1868.

CHAPTER V.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

SECTION 1. *The General Assembly of North Carolina do enact,* That the act of the General Assembly, ratified the first day of February, 1866, entitled "An act to incorporate the City of Wilmington," be amended so that the thirteenth section of the above recited act shall read as follows: That all penalties and fines whatever, relating to the City, imposed by any ordinance or regulation of the Mayor and Aldermen of the City, or by any ordinance or regulation of the Commissioners of the Town of Wilmington heretofore made, or by any act or ordinance hereafter passed, or by any act heretofore passed, shall be recoverable before the Judge of the Special Court of the City of Wilmington, and from any judgment of the said Judge for any penalty or fine, or other cause of action, of which he may have jurisdiction, the party dissatisfied may appeal to the Supreme Court, in like manner and under the same rules and regulations, as are prescribed in appeals from the Superior Court of this State. Amended.

SEC. 2. That so much of the fourteenth section of the above recited act as may be repugnant to, and in conflict with this act, be, and the same is hereby repealed. Repealed.

SEC. 3. That there shall be taxed against each defendant, upon conviction or submission, or who may be adjudged to pay a fine or penalty, the same costs as are now taxed in like cases in the Superior Court for process and service of the same, and for the judgment. And all such costs, penalties and fines recoverable and paid as aforesaid, shall be paid by the Clerk of said Court to the Treasurer of the City, for the use of the said City. Tax against defendant.

SEC. 4. That the Mayor and Aldermen of the City of Wilmington shall pay to the Clerk of said Court, a reason- Pay of Clerk and judge.

able compensation in all cases in which the City may be a party, and allow to the Judge such additional sum as they may, in their judgment, deem just and reasonable, not less than five hundred, nor exceeding one thousand dollars, per annum, as compensation for his services in the trial of the above named causes.

Courts.

SEC. 5. That the Judge of said Special Court shall hold the said Court daily, (Sundays and holidays excepted) and shall have all the powers and perform the duties of a Justice of the Peace, and shall receive the same fees as are now or may hereafter allowed to Justices of the Peace, where there shall be no jury trial: *Provided*, That no fees shall be allowed said Judge upon the trial of violations of the City ordinances, or any acts relating thereto, and that the said Judge shall be declared to be the Special Magistrate of the City of Wilmington, all laws to the contrary notwithstanding.

Poor tax.

SEC. 6. That the poor tax levied by the County Commissioners for the support of the indigent of the County of New Hanover, which may be levied or assessed upon citizens of the City of Wilmington, and their property in the City, shall be collected and paid to the Treasurer of said City, by the Sheriff of New Hanover County, and he shall be required to keep a separate and distinct account of said tax levied or assessed as aforesaid, and upon default or failure to pay the same at the time and times that he may be required so to do, it shall be lawful for the City of Wilmington to institute suit upon such Sheriff's official bonds, for the recovery of the same so due the City, by motion before the Judge of the Superior Court after twenty days' notice of the motion to the said Sheriff and his securities.

City Marshal.

SEC. 7. That the City Marshal shall no longer collect the City tax, and the same shall be collected by a tax collector, to be appointed by the Mayor and Aldermen for that purpose, who are required to fix his salary and fees, and the tax collector so appointed shall be the City Treasurer, and shall, before he enters upon the duties of his office of tax

collector and treasurer, be required to enter into bond with approved security, payable to the City of Wilmington, in such sum as the Mayor and Aldermen shall prescribe, conditioned for the faithful performance of his duties as tax collector for the City of Wilmington, and the faithfully accounting for, and pay into the City Treasury all moneys that may or shall be received by him by virtue of his office, and for any failure or default in office, it shall and may be lawful for the City of Wilmington to move for judgment before the Judge of the Superior Court for the fourth Judicial District against said tax collector and his securities for all moneys which he has failed to pay over as required by this act: *Provided*, Ten days' notice, in writing, of the motion shall have been previously given.

Proviso.

SEC. 8. That it shall be the duty of the Marshal of the City of Wilmington to discharge the duties of Street Commissioner, and any other duty that may be assigned him by the Mayor and Aldermen, not inconsistent with the provisions of this act.

Duty of Marshal.

SEC. 9. That all officers appointed by the Mayor and Aldermen of the City shall hold their respective offices for such term as the Mayor and Aldermen may prescribe, removable, however, at the will of the Mayor and Aldermen.

Officers and term of office.

SEC. 10. That the Mayor and Aldermen may cause an assessment of the real estate of the City at such time and times, and in such manner as they may deem expedient, and shall have power to tax all subjects of taxation, which are now liable to be taxed either by State or County under existing laws, or any laws that may be hereafter enacted; and if any person shall render an account of their personal property liable to taxation, which, in the judgment of the Mayor and Aldermen, is below the value, it shall be the duty of said Mayor and Aldermen to appoint three freeholders to assess and value the same, according to the true cash value of said property, and levy the tax according to said valuation, so made by said freeholders.

Assessment of real estate.

Bond of Marshal. SEC. 11. That the ninth section of the above recited act, be amended so as to require the City Marshal to execute a bond in the sum of one thousand dollars, instead of fifteen thousand dollars, as now prescribed by said section.

Lawful to borrow money. SEC. 12. That it shall and may be lawful for the Mayor and Aldermen of the City, to borrow money for the necessary expenses of the City, and issue their bonds for the same, by which the faith and credit of the City shall be bound, and the Mayor and Aldermen shall assess and levy a tax for the payment of such bonds, with the interest thereon.

Bonds to be numbered. SEC. 13. That the bonds hereby authorized to be issued shall be numbered, and shall be made payable to bearer, and the Mayor and Aldermen shall require the Clerk of the City to record said bonds so issued in a book to be kept for that purpose, in which shall be recorded the number, date and amount of said bonds, and to whom issued, and for what purpose the same may be issued.

Assessors. SEC. 14. That the Board of Aldermen of the City of Wilmington, shall annually, as soon after their organization as may be convenient, elect by ballot three assessors, and shall, in such a manner as the said Board of Aldermen may determine, by any by-laws made for the purpose, define their duties and fix their compensation.

Assistant Assessor. SEC. 15. The qualified voters of each Ward shall, at the annual municipal election, elect by ballot one person, in their respective Wards, who shall be a resident of the Ward, to be an assistant assessor, and it shall be the duty of the person so elected to furnish the assessors with all the needful information relative to the persons and property taxable in their respective Wards, and they shall be sworn to a faithful performance of their duty.

Board of Assessors SEC. 16. The persons to be chosen by the Board of Aldermen, as assessors as hereinbefore provided, shall constitute the Board of Assessors, and for the valuation of property and the assessment of taxes within the corporate limits of the City, shall exercise such powers, and be subject to such

duties and liabilities as the said Board of Aldermen may by any by-laws determine, and they shall be sworn for a faithful performance of their duties.

SEC. 17. All taxes shall be assessed in the manner prescribed by the laws of the State: *Provided, however,* That the Board of Aldermen may establish further, or additional provisions for the collection thereof.

Assessment of
taxes.
Proviso.

SEC. 18. The Board of Assessors shall have a Clerk to be elected by the Mayor and Aldermen, who shall receive a salary not to exceed five hundred dollars per annum. It shall be the duty of said Clerk to make a list of all taxes assessed by the Board of Assessors; also all special, and license taxes, that may be imposed by the Mayor and Aldermen, said list to be made in duplicate, the Clerk to retain one copy and deliver the other to the Tax Collector, taking his receipt therefor.

Clerk to Board of
Assessors.

SEC. 19. The Board of Aldermen shall, in such a manner as they may determine by any by-law, appoint or elect all subordinate officers, not herein otherwise directed for the municipal year for which said Board of Aldermen are elected, define their duties, fix their compensation, in cases where such duties and compensations shall not be defined and fixed by the laws of the State.

Subordinate
officers.

SEC. 20. The Mayor and Board of Aldermen, shall, as the laws of the State, or the orders of the State Board of Education may direct, provide by taxation and otherwise for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the City between the ages of six and twenty-one years, for at least four months in every year; and if the said Mayor and Board of Aldermen shall fail to comply with the aforesaid requirement, it shall be deemed a misdemeanor, and they shall be liable to indictment and prosecution.

Public schools.

SEC. 21. Biennially there shall be elected by the Mayor and Board of Aldermen a Committee to consist of one citizen from each Ward of the City, who shall have charge of the Public Schools of said City, and shall be known as the School Committee of the City of Wilmington. The duties

Committee to take
charge of public
schools.

of the aforesaid Committee shall be such as are prescribed by the laws of the State for Township School Committees, and said Committee shall serve without pay.

Superintendent of public schools.

SEC. 22. The Mayor and Board of Aldermen shall biennially elect some responsible and well qualified person as Superintendent of the Free Public Schools of said City at a salary not less than fifty dollars per month, to be paid from the City Treasury.

To act under direction of School Committee.

SEC. 23. The aforesaid Superintendent shall act under the direction of the City School Committee; also, he shall faithfully observe and execute all rules, regulations and orders prescribed by General Assembly, or the State Board of Education, for the conduct of Free Public Schools, and before entering on the discharge of the duties of his office, shall take and subscribed by the Constitution of the State for all who are elected to office.

When election to be held.

SEC. 24. That an election for Mayor and Aldermen shall be held annually on the first Monday in January, under such rules as are hereinafter prescribed. The Mayor shall hold his office for one year from the second Monday in January, and until his successor shall be qualified. Of the two persons to be elected as Aldermen from each of the four Wards, on the first Monday in January, Anno Domini eighteen hundred and sixty-nine, one of them shall hold office until the second Monday in January, eighteen hundred and seventy, and until his successor shall be qualified; and the Mayor shall, of the two persons so elected as Aldermen from each Ward, determine by lot who shall hold his office for the longer and who for the shorter term. At the place of holding said election, the Mayor shall declare who has been elected Mayor and Aldermen as aforesaid; and in the event of a tie between two or more persons having the largest number of votes, the Mayor shall, by lot, determine who is elected: *Provided, nevertheless,* That nothing herein contained shall, in any manner, affect or repeal the provisions of an ordinance of the Constitutional Convention, entitled "An ordinance amending the charter of the City of

Wilmington, but that the same shall remain in full force and effect.”

SEC. 25. That section seventeen of the act of incorporation of the City of Wilmington is hereby repealed. Repealed.

SEC. 26. That it shall be the duty of the Mayor and Aldermen to appoint, at least ten days before the annual election, three Registers for each ward, who shall for the five days preceding the Sunday preceding the election, and on the day of the election, at some convenient place in their respective wards, register the voters of the City, under such rules as may be prescribed by the Mayor or Aldermen; said Registers shall also act as Inspectors of election, under such rules as may be prescribed by the Mayor and Aldermen, who shall notify the persons elected of their election. Register.

SEC. 27. That the fifth section of the aforesaid act of incorporation, after the words “General Assembly” in the twenty-first line, be amended so as to read as follows: “that there shall be provided by the City one box for each of the four wards and places of election, in which the votes for Mayor and Aldermen for their respective wards shall be deposited, and the voters of all the City shall vote for the Mayor and all the Aldermen on one ballot or slip of paper. Fifth section amended.

SEC. 28. That all laws and clauses of laws conflicting with or repugnant to any of the provisions of this act, are hereby repealed. Repealed.

SEC. 29. That this act shall be in force from and after its ratification.

Ratified the 18th day of December, A. D. 1868.

CHAPTER VI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WASHINGTON.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the Town of Washington be so amended that no person residing without the corporate limits of said Town shall be entitled to a vote in any election held therein for officers of said corporation.

Qualified voters.

SEC. 2. That any qualified voter who shall have resided in said Town of Washington for ten days immediately preceding any election for officers of said corporation shall be entitled to register and vote therein.

Eligibility.

SEC. 3. That any qualified elector shall be eligible to any office within said corporation.

Regulate marketing.

SEC. 4. That the Commissioners of said Town of Washington shall have power to regulate the marketing of said Town, in addition to the powers heretofore conferred.

Stock owners.

SEC. 5. That all powers heretofore conferred upon the Commissioners of said Town of Washington, relating to stock owned by citizens of the corporation shall apply to stock owned by persons living without the corporate limits, when within such corporate limits.

Repealed.

SEC. 6. That all laws coming in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from its ratification. Ratified the 18th day of December, A. D. 1868.

CHAPTER VII.

AN ACT TO INCORPORATE THE CONTENTNEA MANUFACTURING
COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Daniel McCameron, Joel Patrick, Gus Patrick, John M. Patrick, J. McF. Cameron, S. D. Pope, R. L. Phillips, and such other persons as may hereafter be associated with them, are hereby incorporated into a Company to be known as "The Contentnea Manufacturing Company," (situated on the line of Pitt and Greene Counties) for the purpose of manufacturing all kinds of lumber, wooden ware, breadstuffs, cotton and woolen fabrics.

Body politic and corporate.

SEC. 2. That said Company may purchase, own and employ such steam engines and other machinery as they may require, together with all buildings and water power as they may desire.

Power to purchase, &c.

SEC. 3. That the capital stock of the Company shall not be less than five thousand dollars or more than one hundred thousand dollars, in shares of fifty dollars each.

Capital.

SEC. 4. That the charter of the said Company shall hold good for the term of sixty years from the date of its ratification, unless sooner dissolved by mutual consent of the stockholders.

Run 60 years.

SEC. 5. That this act shall be in force from and after the date of its ratification.

Ratified the 21st day of December, A. D. 1868.

CHAPTER VIII.

AN ACT TO INCORPORATE THE SALEM FIRE COMPANY.

- Enrollment authorized. SECTION 1. *The General Assembly of North Carolina do enact:* That the male citizens of the Town of Salem are hereby authorized to form and enroll themselves into a Fire Engine Company; *Provided,* The members of said Company shall not exceed seventy-five.
- Proviso.
- Term of service. SEC. 2. That the persons who are now, and who shall hereafter be enrolled as members of the Salem Fire Engine Company, shall serve for the term of five years from the time of their enrollment, except in case of removal out of Town.
- Officers. SEC. 3. That the Company shall elect a Captain and one or two Lieutenants, and such other officers that may be required for its proper government and effectual services in working the engine, hose, buckets and other apparatus.
- Duty of Captain to train Company. SEC. 4. That it shall be the duty of the Captain of the Company, in order to render them prompt and efficient in case of fire to train them at least four times a year, and not less than two hours each time, in working the engine in Company by platoons or sections, and in using the other apparatus, subject to such fine as the military are subject to for non-attendance [at musters ; but to the same excuse to be laid before the Captain and Lieutenants as a Board, to be adjudged of by them, subject, nevertheless, to the right of appeal as hereinafter provided.
- * Captain to take care of engine, &c. SEC. 5. That it shall be the duty of the Captain of the Company to cause to be taken care of and preserve, in the house to be prepared by the town authorities, the engine, ladders, buckets, hose and other apparatus thereunto belonging; and when any repairs thereof be deemed necessary by a majority of the officers of the Company, the Captain shall cause the same to be done, the expenses of such repairs shall be paid by the Town Treas-

urer or Wardens, on the draft of the Captain of the Company, which draft, when paid, shall be considered a good and sufficient voucher in the settlement of the public accounts by the constituted authorities of the Town.

SEC. 6. That the constituted authorities of the Town shall divide the same into suitable sections or wards, and shall, from time to time appoint a number of persons corresponding with the number of Wards, to act as fire wardens, whose duty it shall be from time to time to inspect their respective wards, either singly or in company, and take notice and advise the respective citizens of any danger that may be perceptible in chimneys, fire-places, &c., &c., and likewise make the report to the proper authorities, and that they meet occasionally and consult together.

What required of authorities.

SEC. 7. That in case of fire the Captain shall consult with one or more of the fire wardens as to the proper mode of staying the progress and extinguishing the fire, and when they shall deem it expedient for stopping the further progress of the fire, to order any house or houses to be pulled down, blown up, or otherwise destroyed, they are hereby authorized to do the same and they shall not be responsible.

In case of fire.

SEC. 8. That for raising a fund for procuring or replacing engine, hose, buckets, ladders, hooks, and other apparatus, the constituted authorities of the Town are hereby authorized, if they deem it necessary to lay a suitable tax, to be collected and accounted for as other Town taxes.

Power to lay tax, &c.

SEC. 9. That a majority of the members of said Company shall have power and authority to make such laws, rules and regulations, and pass such by laws for their government as to them may seem best, not inconsistent with the Constitution of the United States or of this State, or inconsistent with the rules and regulations of the Town, and that all fines and penalties incurred by virtue of this act, or by any by-law, shall be recoverable before any Justice of the Peace, in the name of the Captain of the Company; *Provided nevertheless*, That the right of appeal shall be preserved to either party as is now by law established in trials before a

Rules, &c.

Justice of the Peace, and the fines and penalties thus obtained and recovered, shall form a fund to pay incidental expenses of the Company, and the balance shall be applied in aid of expenditures in relation to the object of the concern generally.

SEC. 10. This act shall be in force from and after its passage.

Ratified December 21st, A. D. 1868.

CHAPTER IX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF P. T. MASSEY, CLERK SUPERIOR COURT, COUNTY OF JOHNSTON, AND E. G. HILL, SHERIFF COUNTY OF JOHNSTON.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of said act is amended by striking out the words "Clerk Superior Court," and insert "late Clerk County Court,"

Judgment re-
mitted.

SEC. 2. That the said P. T. Massey, late Clerk County Court of Johnston County is relieved of the judgment granted against him for delinquency in returning lists of untaxable property in the year 1868, as required by law, and is entitled to all fees and commissions as though no judgment had been granted.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 7th day of January, A. D. 1869.

CHAPTER X.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON, RATIFIED DECEMBER 18th 1868.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to amend the charter of the City of Wilmington, ratified December eighteenth, eighteen hundred and sixty-eight, be amended by inserting in section twenty-four, after the words "and until his successor shall be qualified," the words "and the other shall hold office till the second Monday in January, eighteen hundred and seventy one, and until his successor shall be qualified, and at every regular annual election, after the election on the fourth day of January, eighteen hundred and sixty-nine, there shall be one Alderman for each Ward elected, who shall hold office for the term of two years." Amended.

SEC. 2. All laws and clauses of laws, conflicting with or repugnant to this act, are hereby repealed. Repealed.

SEC. 3. This act shall be in force from and after its passage.

Ratified the 9th day of January, A. D. 1869.

CHAPTER XI.

AN ACT TO INCORPORATE MOUNT OLIVE LODGE, NUMBER TWO HUNDRED AND EIGHT, ANCIENT YORK MASONS, AT MOUNT OLIVE IN THE COUNTY OF WAYNE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens, members, and their successors, of Mount Olive Lodge, number two hundred and eight, of Free and Accepted Masons, at Mount Olive, Body corporate.

in the County of Wayne, be and are hereby constituted a body politic and corporate, by the name and style of "Mount Olive Lodge, number two hundred and eight of Free and Accepted Masons," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force and take effect from and after its ratification.

Ratified the 13th day of January, A. D. 1869.

CHAPTER XII.

AN ACT TO INCORPORATE KILWINNING LODGE, ANCIENT YORK MASONS, AT WADESBORO', IN ANSON COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens, members, and their successors, of Kilwinning Lodge, number sixty-four, at Wadesboro', in the County of Anson, be, and they are hereby constituted a body politic and corporate by the name and style of "Kilwinning Lodge, number sixty-four of Free and Accepted Masons," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified the 20th day of January, A. D. 1869.

CHAPTER XIII.

AN ACT TO INCORPORATE LEBANON LODGE NUMBER TWO HUNDRED AND SEVEN, ANCIENT YORK MASONS, IN THE COUNTY OF COLUMBUS.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. J. Stanley, J. W. Council, Neil McPhaul, J. W. Reuse, and J. S. Frink, and their associates of the Masonic Fraternity of Lebanon Lodge number two hundred and seven, and their successors are hereby incorporated as such, in the name and style of Lebanon Lodge number two hundred and seven, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, in any Court of record, or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be acquired for the convenient transaction of its business.

Incorporated a body politic.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the Constitution and laws of the State or of the United States.

Power to make by-laws, &c.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 19th day of January, A. D. 1869.

CHAPTER XIV.

AN ACT TO INCORPORATE DUNN'S ROCK LODGE, NUMBER TWO HUNDRED AND SIXTY-SEVEN, OF ANCIENT YORK MASONS, AT BREVARD, IN THE COUNTY OF TRANSYLVANIA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members, and their

Body corporate.

successors of the Dunn's Rock Lodge, number two hundred and sixty-seven, of Free and Accepted Masons, at Brevard, in the County of Transylvania be, and are hereby constituted a body politic and corporate by the name and style of "Dunn's Rock Lodge number two hundred and sixty-seven," of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 19th day of January, A. D. 1869.

CHAPTER XV.

AN ACT FOR THE RELIEF OF THE SHERIFFS OF THE COUNTIES OF PASQUOTANK AND NEW HANOVER.

Preamble.

WHEREAS, John L. Wood, Sheriff of Pasquotank County, and J. W. Schenck, Jr., Sheriff of the County of New Hanover, by reason of circumstances over which they had no control, have failed to pay over and account to the Public Treasurer the amount of taxes due the State from said Counties for the year Anno Domini, eighteen hundred and sixty-eight, as required by law, thereby incurring certain penalties and forfeitures; and, whereas, the said John L. Wood, Sheriff of Pasquotank, was illegally hindered from collecting the taxes by the Commissioners of said County; and, whereas, the said J. W. Schenck, Jr., Sheriff of New Hanover, was hindered from paying to the Public Treasurer the full amount due his County, by reason of his predecessor having appropriated the funds for County purposes, therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the said John L. Wood and J. W. Schenck, Jr., shall be and are hereby discharged from the payment of all penalties and forfeitures incurred by reason of their failure to pay and account for taxes as aforesaid, and that no execution shall be issued from any of the Courts of this State against the said John L. Wood, Sheriff of Pasquotank, or against the said J. W. Schenck, Jr., Sheriff of New Hanover, or against the sureties on the official bond of either of said Sheriffs by reason of their failure to comply with said law.

Released.

SEC. 2. That the said John L. Wood, and the said J. W. Schenck, Jr., be, and is hereby allowed time to settle with the Public Treasurer for their respective Counties until the first day of March, 1869.

Allowed time to settle.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 20th day of January, A. D. 1869.

CHAPTER XVI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETH CITY, AND CERTAIN ACTS AMENDATORY OF THE SAID CHARTER.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of section one, of an act ratified by the General Assembly of North Carolina, February twentieth, eighteen hundred and sixty-one, amendatory of an act entitled an act for the government of Elizabeth City, in the County of Pasquotank, passed at the session of the General Assembly of North Carolina, December twenty-fifth, eighteen hundred and fifty-two, and so much of an act ratified by the General Assembly of North Carolina, December twenty-fifth, eight hundred and fifty-two, incor-

Laws repealed.

porating the Town of Elizabeth City, as requires of voters for municipal officers in said Town, a residence of six months, in the Town previous to the day of election, and a previous registration, and the further previous payment of poll taxes to the Town, be and hereby are repealed.

Repeal.

SEC. 2. *Be it further enacted*, That so much of section one, of the said act, passed by the General Assembly of North Carolina, December twenty-fifth, eighteen hundred and fifty-two, as gives to the Sheriff the power to summons and appoint the inspector of elections at the municipal elections in said Town, be and hereby is repealed.

Inspectors.

SEC. 3. *Be it further enacted*, That ten days previous to the day of election for municipal officers in said Town of Elizabeth City, the Mayor and Commissioners of said Town shall appoint four inspectors, citizens of said Town, who shall conduct the election, and any person so appointed as an inspector, and failing to serve, shall be subject to a fine of thirty dollars.

Voters.

SEC. 4. *Be it further enacted*, That all elections in the aforesaid Town of Elizabeth City, for municipal officers of the same, all qualified voters for members of the General Assembly of North Carolina, who shall have resided in the Town ten days, shall be entitled to vote.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVII.

AN ACT TO INCORPORATE CAROLINA LODGE, NUMBER ONE HUNDRED AND FORTY-ONE, AT ANSONVILLE, IN ANSON COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members, and their

successors, of Carolina Lodge number one hundred and forty-one, at Ansonville, in the County of Anson, be, and they are hereby constituted a body politic and corporate, by the name and style of "Carolina Lodge, number one hundred and forty-one, of Free and Accepted Masons," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XVIII.

AN ACT TO INCORPORATE THE TOWN OF MARION IN THE COUNTY OF MCDOWELL.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Marion in the County of McDowell be, and the same is hereby incorporated, by the name and style of the Town of Marion, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, or so much of said chapter as does not come in conflict with the Constitution of this State or of the United States.

Body corporate.

SEC. 2. That the corporate limits of said Town shall be one-half mile from the Court House in every direction.

Limits.

SEC. 3. That the first election for Mayor, Commissioners and Constable shall be held within thirty days from the ratification of this act.

Elections.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1869.

CHAPTER XIX.

AN ACT TO INCORPORATE THE UNION LAND COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Henry G. Leisenring, John W. Forney, Franklin S. Wilson, David K. Jackman, George B. P. Ringualt, Edmund Allen, Samuel Carpenter, Enoch G. Ghio, John E. Parke, Daniel C. Forney, John B. McCreary, and Lukins Pierce, and their associates, or any five of them be, and they are hereby created a body politic for fifty years by the name, style and title of the Union Land Company, and by such name and title shall have continual succession for the aforesaid term of years, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving in its corporate name property, real, personal and mixed, and for other purposes.

By-laws.

SEC. 2. That the said Company shall have power to make such by-laws as they may deem proper, to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure; *Provided*, That such by-laws shall not be contrary to the Constitution or laws of the State of North Carolina, or the provisions of this act, and to adopt a common seal, and the same to alter at pleasure, and to issue certificates of stock in such form, and subject to such regulations as they may from time to time prescribe, and to regulate and direct in what manner their contracts and obligations shall be made and executed.

Proviso.

Capital.

SEC. 3. That the capital of said Company be fixed at two hundred thousand dollars, (\$200,000,) with power to increase from time to time, when approved by a majority of the stockholders in writing, and that the said Company may locate and establish such office and offices as they may deem proper, and issue such bonds as may be deemed necessary for the purposes of the Company.

SEC. 4. That the corporation named in this act shall elect Directors.
 persons to serve as Directors, and a majority of whom shall
 constitute a quorum for the transaction of business, and
 shall hold their office until their successors have been elected
 in accordance with the by laws.

SEC. 2. That this act shall be in force from the date of its
 ratification.

Ratified the 28th day of January, A. D. 1868.

CHAPTER XX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
 THE PITT COUNTY FEMALE INSTITUTE.

SECTION 1. *The General Assembly of North Carolina do* Amended.
enact, That an act entitled "An act to incorporate the Pitt
 County Female Institute," be amended by striking out the
 words "Pitt County Female Institute," in the ninth line of
 the first section thereof, and inserting in the place thereof
 the words "Aurora Male and Female College."

SEC. 2. This act shall take effect from and after its rati-
 fication.

Ratified the 30th day of January, A. D. 1869.

CHAPTER XXI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF
 TARBORO' TO CONVEY THE RIGHT OF WAY TO THE WILLIAM-
 STON AND TARBORO' RAIL ROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Power to grant
right of way.
enact, That the Commissioners of the Town of Tarboro'

be, and they are hereby authorized and empowered to grant to the Williamston and Tarboro' Rail Road Company the right of way through the Town of Tarboro' and Town Commons, for the purpose of constructing their Rail Road from some point on the Tar River to connect with the Tarboro' branch of the Wilmington and Weldon Rail Road, and to sell to said Company such vacant lots belonging to said Town as may be necessary for the business of said Company.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXII.

AN ACT TO INCORPORATE THE MADREN MINING COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Lawson Madren, John G. Eve, Samuel McGaha, Matison Howard, D. W. Ellis, A. S. Henan, James P. Waters, Wm. R. McGaha, and L. P. Bise, and other associates and successors be, and they are hereby enacted a body politic and corporate, by the name and style of the Madren Mining Company, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places, have a common seal and break the same at pleasure, may make all necessary by-laws for the transaction of the business and government of said Company, not inconsistent with the Constitution of this State or of the United States.

Capital.

SEC. 2. The capital stock of said Company shall not exceed one million dollars, (\$1,000,000,) which may be divided into shares, subscribed and paid for in such manner as the Company may by its by-laws prescribe.

SEC. 3. Said Company shall have power to appoint any one or more of its members or other persons to manage, contract or direct the business of said Company, according to the by-laws, rules and regulations which said Company adopt. Power to appoint.

SEC. 4. Said Company may acquire and hold such real and personal estate by contract as they may deem necessary or proper for carrying on the mining of iron, lead, copper or other valuable mineral substances, the procuring and manufacturing of lumber, and the transportation thereof to market, together with such quantities as may be necessary for the establishment of mills and landing depots, and machinery for the same. Power to acquire, &c.

SEC. 5. Said Company, when fully organized, shall cause a book to be opened and report subject to the inspection of any member of said Company, which shall contain all the names of the members of said Company, and the number of shares owned by each, and said shares may be transferred on said book in the manner to be prescribed by the by-laws of said Company to the extent of, and in proportion to the amount of capital stock he owns in said Company. Opened books.

SEC. 6. Nothing contained in this charter shall be construed into conferring banking privileges upon this Company. Banking privilege not allowed.

SEC. 7. One at least of said corporation shall be a citizen of this State. One member to be citizen of this State.

SEC. 8. This act to take effect from its passage and remain in force thirty years, renewable thereafter by consent of the Legislature.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXIII.

AN ACT TO AMEND AN ACT PASSED AND RATIFIED THE SIXTEENTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND FIFTY-NINE, TO REGULATE THE SALE OF SPIRITUOUS LIQUORS IN THE TOWN OF ASHEVILLE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of an act passed and ratified on the sixteenth day of February, eighteen hundred and fifty-nine, to regulate the sale of spirituous liquors, be amended by striking out "Thursday, in June next," and insert "Monday, in January," and to amend section second of the same act by striking out "next County Court of Pleas and Quarter Sessions," and insert "Commissioners;" also to amend section third of the same act, by striking out "said County" in second line, and insert "Commissioners," and to strike out the word "Magistrate or Magistrates," wherever it may occur, and insert "Commissioners," and striking out after the word voting in the sixth line, the words in "the said County," in the seventh line.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXIV.

AN ACT TO INCORPORATE BEAVER DAM LODGE, NUMBER TWO HUNDRED AND SEVENTY-SIX, ANCIENT FREE AND ACCEPTED MASONS IN THE COUNTY OF UNION, NORTH CAROLINA.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens, and members of Beaver

Dam Lodge, number two hundred and seventy-six, of Free and Accepted Masons, in the County of Union, North Carolina, be, and they are hereby constituted and declared a body corporate, under the name and title of "Beaver Dam Lodge, number two hundred and seventy-six, of Free and Accepted Masons," and by that name shall have perpetual succession, and a common seal, and may sue and be sued, plead and be impleaded, and may generally exercise and enjoy all such rights, franchises and privileges as usually appertain to corporate bodies of like nature.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXV.

AN ACT TO INCORPORATE GASTON LODGE, NUMBER TWO HUNDRED AND SIXTY THREE, FREE AND ACCEPTED MASONS IN THE COUNTY OF GASTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of Gaston Lodge, number two hundred and sixty-three, of Ancient Free and Accepted Masons, in the County of Gaston, North Carolina, be, and they are hereby constituted a body politic and corporate under the name and title of "Gaston Lodge, number two hundred and sixty-three, of Ancient Free and Accepted Masons," and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, and may generally exercise and enjoy all such rights, franchises and privileges as usually appertain to such and like corporate bodies.

Body corporate.

SEC. 2. That this act be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXVI.

AN ACT TO INCORPORATE UNAKA LODGE, NUMBER TWO HUNDRED AND SIXTY-EIGHT OF FREE AND ACCEPTED MASONS IN THE TOWN OF WEBSTER, JACKSON COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact,* That Joseph Keener, E. D. Davis, Richard M. Wilson, J. W. Cowen, E. C. Chastain and their associates of the Masonic fraternity, of the Town of Webster, and their successors, are hereby incorporated as such, in the name and style of Unaka Lodge, number two hundred and sixty-eight, and by that name may have succession, and a common seal, sue and be sued, plead and be impleaded in any Court of Record, or before any Justice of the Peace, in this State, contract and be contracted with, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be acquired for the convenient transaction of its business.

Power to make by-laws, &c.

SEC. 2. That the said corporation shall have power to pass, enact, and adopt all necessary by-laws and regulations for its own government which may not be inconsistent with the Constitution and laws of the State or of the United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D., 1869.

CHAPTER XXVII.

AN ACT TO INCORPORATE THE NORTH CAROLINA LAND COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact,* That for the purpose of developing the resources of

the State, R. W. Best, George Little, George W. Swepson, and Richard Kingsland, their associates, successors and assigns, are hereby constituted a body politic and corporate under the name and style of the North Carolina Land Company, with a capital stock of five thousand dollars, with liberty to increase the same to any sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and incidents belonging to corporations organized under the twenty-sixth section of the Revised Code.

Capital.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage, or otherwise to convey land, to make advances of money or other things to sellers and others, on such terms and on such securities, real and personal, as may be agreed on, to grow and sell fruits and other vegetable products, to engage in any species of agricultural or manufacturing enterprise, and to buy and sell goods, wares and merchandize. The said Company may likewise own and manage steam or other vessels, and take measures for the transportation of property into the State, or for carrying out any other purposes connected with the business of said Company.

Power to buy,
sell, &c.

Board of Directors.

SEC. 3. The business of said Company shall be managed by a Board of Directors, of a number to be fixed by the stockholders. They shall, out of their number, choose a President and such other officers as they see fit, and shall hold office for a term to be prescribed in the by-laws.

By-laws.

SEC. 4. The stockholders of said Company shall make such by-laws for the government of the Company as they may deem fit, not inconsistent with the laws of the State or of the United States.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXVIII.

AN ACT TO INCORPORATE THE NORTH CAROLINA MANUFACTURING, LOAN AND TRUST COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That George D. Pool, R. F. Overman, John Pool, Nathan Overman, Charles C. Pool, Wm. Underwood, A. C. Moore, Chas. C. Smith, and A. G. Scheffler, and their assigns and successors be, and they are hereby constituted a corporation and body politic, and Board of Directors, by the name and style of the North Carolina Manufacturing Loan and Trust Company, and as such may sue and be sued, plead and be impleaded, may have and use a common seal, and change the same at pleasure, make all such by-laws and regulations, (not inconsistent with this charter, the laws of the State, or of the United States,) as they may deem necessary to the interest of the Company, and shall have, exercise and enjoy all the rights and privileges required to carry into effect the purposes for which it was created, that of manufacturing, loaning money on real estate securities or collaterals, and any such other business as may not be contrary to the laws of the State or of the United States, and such association shall be capable in law, of purchasing, holding and conveying any real and personal estate, which may be necessary for its business purposes.

Capital stock.

SEC. 2. That the capital stock of said Company may be divided into such number of shares, and of such amount for each share, as the said corporation may direct; *Provided*, That the capital stock shall not exceed five hundred thousand dollars, and certificates of stock therefor may be issued in such manner as the by-laws of the corporation may prescribe.

Books, &c.

SEC. 3. That the said corporation may open books of subscription for receiving stock in said Company, at such times and places as they may determine, and shall be autho-

*Amended
Ch. 176 - Private Laws,
Sess. 1873-74*

rized to receive subscriptions of stock in money, or real estate, at such value in money as they may deem safe for the Company.

SEC. 4. That said corporation shall have power to borrow money and issue their bonds therefor, to loan money on pledges of real estate, (secured by deed of trust or otherwise,) collateral or pledges of its stock, and upon no other terms. Power to borrow money.

SEC. 5. That whenever twenty-five thousand dollars of stock shall have been subscribed, and ten per cent. thereon paid in, or secured, the said Company may commence operations by electing one of their number President, and appointing such other officers for the proper management of their business, as they may deem proper. When operation may be commenced.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXIX.

AN ACT TO INCORPORATE BURNSVILLE LODGE, NUMBER ONE HUNDRED AND NINETY-TWO IN THE COUNTY OF YANCEY.

SECTION 1. *The General Assembly of North Carolina do enact* That the Master, Wardens and members who at present are, or in future may be of Burnsville Lodge, number one hundred and ninety-two, of Free and Accepted Masons, located in the Town of Burnsville, in the County of Yancey, are hereby constituted and declared to be a body corporate, under the name and title of "Burnsville Lodge," and by such name shall have perpetual succession, and may have a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the Body corporate.

Constitution and laws of this State or the Constitution of the United States.

SEC. 2. This act shall go into effect from and after its ratification.

Ratified the 8th day of February, A. D. 1869.

CHAPTER XXX.

AN ACT TO AMEND THE CHARTER OF THE UNION MANUFACTURING COMPANY IN THE TOWN OF FAYETTEVILLE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That to enable the Union Manufacturing Company to resume operations, the said Company is hereby authorized to borrow fifty thousand dollars, and to secure the payment thereof, may execute a mortgage or mortgages on all the property which they may now possess or hereafter acquire, or on any part thereof, or said Company may reduce the number and value of the shares of the capital stock, to represent the value of the property at the time of such reduction, to receive subscriptions for new shares, or may issue preferred stock in such manner and form as said Company may determine.

May erect mill or mills.

SEC. 2. In addition to the powers granted in the second section of the charter of said Company, said Company may erect a mill or mills for the grinding of grain or ginning of cotton.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR,
CALDWELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Magistrate of Police of the Town of Lenoir, shall have the powers usually granted to Mayors and Intendants of Towns. Amendment.

SEC. 2. That the Magistrate of Police of said Town shall also have all the powers of a Justice of the Peace. Magistrate of police.

SEC. 3. That when any person shall violate an ordinance of the Commissioners the Magistrate of Police, in addition to the power to fine and imprison such persons, shall have power to substitute, in place of such penalties, labor on the streets or other public works a length of time equivalent to the term of imprisonment and payment of the fine. Punishment by labor on streets.

SEC. 4. This act shall be force from and after the date of its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXII.

AN ACT TO INCORPORATE THE JONESVILLE LODGE, NUMBER TWO
HUNDRED AND TWENTY-SEVEN, IN THE COUNTY OF YADKIN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master and Wardens, and their successors in office, are hereby constituted a body corporate and politic by the name and style of "Jonesville Lodge, number two hundred and twenty-seven," in the Town of Jonesville, in the County of Yadkin, and by that name shall have perpetual succession and a common seal, may sue and be sued, Body corporate.

plead and be impleaded, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

SECTION 2. This act shall be in force from and after its ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXIII.

AN ACT IN REGARD TO THE ELECTION OF MUNICIPAL OFFICERS IN TOWN OF HERTFORD, PERQUIMANS COUNTY.

Preamble.

WHEREAS, The act of the General Assembly regulating the election of municipal officers of incorporate Towns in the State, passed the twenty-first day of December last, was not known to the authorities of the said Town of Hertford in time to hold elections in accordance therewith; therefore,

Election, when held.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election be held for municipal officers for said Town of Hertford, on the first Monday in March next, said election to be conducted according to the provisions of the act aforesaid, passed the twenty-first day of December, one thousand eight hundred and sixty-eight, and that the officers chosen at said election shall hold their offices until the first day of January, one thousand eight hundred and seventy.

SEC. 2. This act shall be in force from and after its passage.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXIV.

AN ACT TO AMEND THE CHARTER OF THE GREEN SWAMP
COMPANY.

The General Assembly of North Carolina do enact, That Amended.
the act entitled an act to incorporate the Green Swamp
Company, ratified the sixteenth day of February, one thou-
sand eight hundred and sixty-one, be amended as follows :

SECTION 1. That the said Green Swamp Company be, and Capital stock.
it is hereby authorized to increase its capital stock to a
sum not exceeding five hundred thousand dollars, and
may divide the capital into shares of one hundred dollars
each.

SEC. 2. That said corporation is hereby authorized in its Bonds, &c.
corporate capacity and name, to make, execute and deliver
to any person or persons, trustee, body corporate or politic,
bonds, notes, contracts or agreements for the payment of
money, at a legal rate of interest, and to sell and dispose of
such bonds, notes, contracts or agreements for such price or
consideration as the corporation may determine.

SEC. 3. That this act shall not be so construed as to give Banking privilege
to the said Company any banking privileges, or any right not allowed.
to issue notes payable to order or bearer for circulation as
bank notes.

SEC. 4. That this act shall be in force from and after its
ratification.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXV.

AN ACT FOR THE RELIEF OF F. M. PITTMAN, OF THE COUNTY OF LENOIR, FOR OVER ASSESSMENT OF TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

Remitted.

SECTION 1. *The General Assembly of North Carolina do enact*, That F. M. Pittman, of the County of Lenoir, is hereby relieved from payment of twenty-eight dollars of the assessment on his State tax for the year one thousand eight hundred and sixty-eight, the assessment being more than allowed by law for that amount.

SEC. 2. This act shall be in force from and after its passage.

Ratified the 13th day of February, A. D. 1869.

CHAPTER XXXVI.

AN ACT TO INCORPORATE LEE LODGE, NUMBER TWO HUNDRED AND FIFTY-THREE OF ANCIENT YORK MASONS, IN THE TOWN OF TAYLORSVILLE, ALEXANDER COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are now or may hereafter become officers and members of Lee Lodge, number two hundred and fifty-three, of Ancient York Masons, in the Town of Taylorsville, County of Alexander, be, and they are hereby incorporated into a body politic and corporate, under the name and style of Lee Lodge, number two hundred and fifty-three, of Ancient York Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract or be

contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations, for its own government which may not be inconsistent with the Constitution and laws of this State or of the United States.

Power to make by-laws.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 17th day of February, A. D. 1869.

CHAPTER XXXVII.

AN ACT TO AMEND THE CHARTER OF THE JUDSON FEMALE COLLEGE LOCATED AT HENDERSONVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the fifth section of the charter of the Judson Female College be amended to read as follows: The Western North Carolina Baptist Convention, or its Board of Managers, shall have power to fill all vacancies, to increase the number of Trustees, or to remove any Trustee on account of immoral conduct, incompetency or neglect of duty.

Amendment.

SEC. 2. That the following section be added to said charter to take the place of section sixth:

Added.

SEC. 3. That it shall not be lawful for any person or persons to erect, keep or maintain at Judson Female College, located near the Town of Hendersonville, North Carolina, or within one-half mile of said College, any tipling house or establishment whatsoever for the management, manufacture, sale or use of spirituous liquors or any other intoxicating drinks. That any person or persons violating section sixth shall be deemed guilty of a misdemeanor and upon

Not lawful to manufacture or sell spirits.

Misdemeanor.

conviction thereof shall be fined at the discretion of the Court, not to exceed fifty dollars for each offence, provided each day shall constitute a separate offence: *Provided*, The said amendment shall not interfere with any chartered right of the Town of Hendersonville.

Ratified the 17th day of February, A. D., 1869.

CHAPTER XXXVIII.

AN ACT TO INCORPORATE THE NORTH CAROLINA PURCHASE AND TRUST ASSOCIATION.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Wm. Barrow, Robt. W. Lassiter, Tod R. Caldwell, Wm. S. Hobgood, James L. Henry, L. G. Estes, J. W. Etheridge, Chas. S. Winstead, W. D. Jones, J. W. Bowman, W. Grissom, and their associates and successors, shall be, and they are hereby created, a body corporate and politic, to have succession for twenty years, by the name and style of the "North Carolina Purchase and Trust Association," for the purpose of carrying on the business of purchasing, improving, and selling real and personal property, with full power and authority to issue bonds, and endorse bonds, and to mortgage any real, personal or mixed property in the conduct of said business, and that by the foregoing name they may sue and be sued, appear, prosecute and defend, in any Courts of record, or other Courts or places whatsoever, and may have and use a common seal, and may purchase and hold such real and personal estate as may be deemed necessary by the Board of Directors of the said Company, and may sell, improve and convey the same at pleasure, and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State and the United States, as may be necessary or

convenient for their regulation or government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.

SEC. 2. That the capital stock of said Association shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each. Capital stock.

SEC. 3. That the affairs of said Company shall be governed and managed by a Board of Directors, (one-half at least of whom shall be citizens of the State,) not less than three nor more than fifteen, and until the first election of Directors by the stockholders, the persons hereinbefore mentioned shall be deemed the Board of Directors of said Company. Directors to manage affairs.

SEC. 4. That the Board of Directors shall elect a President and Secretary, and such other officers as they may see fit, who shall hold their offices for one year and until others are chosen and qualified in their places. Board to elect President and Secretary.

SEC. 5. The Board of Directors may, and are hereby vested with the power to appoint or elect an Executive Committee, to consist of not less than three, who shall have power to transact all business of the Company in the absence of the Board of Directors. Power to appoint Committee.

SEC. 6. That the home office of this Company shall be in the City of Raleigh, in the State of North Carolina, but may be removed to any other Town whenever the Directors may deem necessary or convenient, to carry out the provisions of this act. Home office.

SEC. 7. That suits at law may be maintained by this Company against any of its members, and by any of its members against the Company, and in any suit between the Company and its members, any member shall be admitted as a competent witness for and in behalf of this Company. Suits at law.

SEC. 8. That the Board of Directors or Executive Committee may invest and employ the funds of the Company Who may invest fund.

in such way and manner as they may judge the interest and welfare of the Company may require.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 19th day of February, A. D. 1869.

CHAPTER XXXIX.

AN ACT TO RENEW THE CHARTER OF THE RICHMOND MANUFACTURING COMPANY.

Revived.

SECTION 1. *The General Assembly of North Carolina do enact*, That a Manufacturing Company shall be established in the County of Richmond by the name and style of the "Richmond Manufacturing Company," with a capital of two hundred thousand dollars, in shares of one hundred dollars each, and that Walter F. Leak, John W. Leak, Robert L. Steele, John W. Scales, Robert L. Ledbetter, Paul Cameron, and A. J. Derosset, are hereby authorized to carry on a general manufacturing business, subject to the provisions of an act passed at the session of the General Assembly, Anno Domini, eighteen hundred and thirty-three, chapter sixty-nine, entitled "An act to incorporate the Richmond Manufacturing Company," be, and the same is hereby declared to be revived, and shall be extended and be in force from and after the ratification of this act for thirty years, and the said Richmond Manufacturing Company shall be held and deemed to be for that time a body politic and corporate, entitled to all the rights and subject to all the liabilities which are attached to corporations by the laws of the State.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1869.

CHAPTER XL.

AN ACT TO INCORPORATE THE RALEIGH CEMETERY ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That George W. Mordecai, Kemp P. Battle, W. C. Stronach, Charles Dewey, George W. Swepson, P. A. Wiley, P. F. Pescud, William E. Anderson, R. B. Haywood, Thomas H. Briggs, W. H. Crow, A. P. Bryan, John G. Williams, J. Brinton Smith, Samuel C. White, W. R. Miller, R. H. Battle, Jr., W. W. Vass, A. Smedes, Henry Mordecai, Robert G. Lewis, W. R. Cox, J. M. Heck, and such other persons as may associate themselves with them for the purpose hereinafter mentioned, be, and they are hereby made a body politic and corporate, under the name and style of "The Raleigh Cemetery Association," and by that name may sue and be sued, plead and be impleaded in all the Courts of this State, contract and be contracted with, and may have a common seal.

Body corporate.

SEC. 2. That said corporation may purchase and hold as much land as may be necessary for the purpose of establishing a Cemetery near the City of Raleigh, in the County of Wake, and may sell or otherwise dispose of said land in suitable burial lots, to be used exclusively as a place for the burial of the dead, and all moneys received for or on account of the sale of burial lots in said Cemetery, shall be first applied to the payment of the purchase money of the said land acquired by said corporation, or to the payment of any other debt said corporation may owe, and any surplus of money remaining in the Treasury of said corporation may be applied to the improvement and embellishment of the grounds of said Cemetery, or to any other useful purposes deemed expedient by said corporation.

Power to purchase and hold lands.

SEC. 3. That the real estate of said corporation, and the burial lots and plots conveyed by said corporation to indi-

Exempt from taxation.

vidual proprietors, shall be exempt from assessment and taxation, and shall not be liable to be sold on execution, nor to be applied to the payment of debts by voluntary assignment or by any forced assignment under the operation of any insolvent law.

Misdemeanor and penalty.

SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, urn, monument, gravestone or other structure, placed in the said Cemetery, or any fence, railing or other work for the protection or ornamentation of said Cemetery, or of any burial lot therein, or who shall wilfully destroy, cut, break or injure any tree, shrub, plant or vine within the limits of said Cemetery, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned, either or both, at the discretion of the Court, and such offender shall also be liable for the trespass in an action to be brought by said corporation against him in any Court of competent jurisdiction, and in such suit any member of said corporation shall be a competent witness.

Lands forever dedicated to purpose of Cemetery.

SEC. 5. That the land which said corporation is permitted to purchase shall remain forever dedicated to the purpose of a Cemetery. Any lot or lots therein which the said corporation shall convey to individual proprietors shall be so conveyed as to reserve to said corporation the right to limit the number of interments to be made therein, and to restrict interments in any such lots to such person or persons, or class of persons, as may be designated in the conveyance under which such lot or lots may be originally taken or held.

Powers, &c.

SEC. 5. The said corporation may prescribe the form of conveyance for the burial lots in said Cemetery, and how, and by whom the same shall be executed, and may make all such by-laws, rules and regulations, consistent with the laws of the Union and of this State, for their own government and for the proper conduct of their affairs and the

management of their property, and the said Cemetery, as they may deem necessary or expedient.

SEC. 7. That this act shall take effect from and after the date of its ratification.

Ratified the 25th day of February, A. D. 1869.

CHAPTER XLI.

AN ACT TO INCORPORATE THE WILMINGTON LIFE INSURANCE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. E. Spearman, S. D. Wallace, W. A. Wright, B. F. Grady, Alex. Johnson, Jr., F. C. Singletary, H. B. Eilers, Dr. Thos. F. Wood, G. Z. French and others, their associates, successors and assigns, shall be and are hereby empowered with all the powers and privileges necessary and convenient to the business of life insurance; that they be, and are hereby incorporated and made a body politic by the name, style and title of the Wilmington North Carolina Life Insurance Company of Wilmington, N. C., and by that name, style and title shall be, and are hereby empowered to purchase, receive, have, hold, possess and enjoy to themselves and their successors, lands, tenements, rents, heraditaments, goods, chattels and effects of every kind and nature, as also United States stocks, and Bank stock of the National Banks of the United States, or any Bank in any of the States of the United States, and the estates and stocks aforesaid to alien, grant, sell and dispose of, to sue and be sued, plead and be impleaded in all Courts of Justice; also, to have and use a common seal, and the same to change at pleasure; also, to ordain and execute all by-laws and regulations by them deemed necessary for the well-ordering and governing said corporation: *Provided*, Said by-laws and

Body corporate.

regulations are not repugnant to the Constitution and laws of the United States, and the Directors of said corporation shall have full power to alter, change or amend all by-laws, rules and regulations of the Company as may seem to them necessary for the success of the same.

Name. SEC. 2. The name of the Company shall be the Wilmington North Carolina Life Insurance Company.

Location. SEC. 3. The Company shall be located, and the principal office for the transaction of its business shall be in the City of Wilmington, North Carolina, or in any other City of the State of North Carolina, as may be hereafter designated by the Board of Directors.

Kind of Insurance. SEC. 4. The business to be transacted by the Company shall be to make insurance upon the lives of individuals, and every insurance appertaining thereto or connected therewith, and to grant, purchase or dispose of annuities.

Purchases. SEC. 5. The Company may purchase for its own benefit any policy of insurance or other obligation of the Company, growing out of its business, and also any claims of policy-holders for profits; but no officer, Director or employee of the Company shall make such purchase for his own individual benefit.

Deposit bonds. SEC. 6. That for the better security of the policy-holders, the said Company shall deposit with the Treasurer of the State, and there keep on deposit, bonds of the State to the amount of twenty thousand dollars, which shall be held in trust by him for the benefit of the policy-holders of said Company, and in case any policy-holder shall be unable to collect of said Company any loss which he may have met with while holding any policy in said Company, the said Treasurer shall pay to said policy-holder any sum which said policy-holder may recover in any Court of competent jurisdiction, and in case the said Treasurer shall so have to pay out any such sum or sums, the said Company shall immediately replace such amount in the hands of said Treasurer, so that there shall never be less than twenty thousand dollars in his hands.

SEC. 7. The capital stock subscribed of said corporation shall not be less than three hundred thousand dollars, and may, at the pleasure of said corporation, be increased to any further sums, not exceeding one million dollars: and shall be divided into shares of one hundred dollars each, and on the said capital stock of three hundred thousand dollars, in part of said stock, shall be paid into the Treasury of said corporation, for the use of said corporation, within thirty days after the first meeting of said corporation, five per centum; and within ninety days next after said first meeting of said corporation, the further sum of five per centum on said stock shall, in like manner and for like purposes, be paid in said Treasury, and in like manner five per centum of said subscribed capital shall have been received into the Treasury of said corporation, and the remainder of said subscribed stock shall be secured to be paid by mortgage on real estate or endorsed promissory notes, approved by the President and Directors of said corporation, and the entire amount of said notes or such assessments as may be made by the Board of Directors and approved by the President of said corporation, shall be payable in sixty days after demand, and such endorsers shall have a lien on the stock for which such note or notes are given.

Capita' stock.

SEC. 8. The Board of Directors shall, within ten days after the organization, appoint from the stockholders five (5) Commissioners to open books of subscription to the capital stock of the Company, and they shall give at least three days' notice by advertisement in two or more daily papers printed and published in the State of North Carolina, of the time and place at which said books will be opened, and they shall keep such books open until the full amount of three hundred thousand dollars is subscribed. A majority of said Commissioners may perform these duties.

Commissioners.

SEC. 9. The corporate powers of the Company shall be vested in a Board of Directors, and shall be exercised by such Board, and by such officers and agents as the Board may appoint and empower. The Board of Directors shall

Corporate powers
invested in Board of
Directors.

consist of seven, (7,) a majority of whom shall be citizens of North Carolina, and each of whom shall own and hold in his own right at least five (5) shares of the capital stock of the Company; the said Board of Directors shall be chosen by ballot from among and by the stockholders of said corporation, which said Directors shall hold their office at pleasure, for one year, and until others are chosen in their room. The annual meeting for the choice of said Directors shall, (after the first election,) be held in the City of Wilmington, North Carolina, on the fourth Thursday in January, or on such day in the month of January as shall be appointed by said Board of Directors. The Directors shall be elected in such manner as may be provided for in by-laws of the corporation; *Provided*, Every stockholder in the Company be entitled to one vote, either in person or by proxy, for every share of stock held by him, and the by-laws of said corporation may provide that each policy-holder who shall be insured in not less than five thousand dollars, shall be entitled to one vote at the annual election of Directors, but such vote shall be given personally and not by proxy. The Board of Directors shall have power to declare by by-laws what number of Directors shall constitute a quorum for the transaction of business.

Annual meeting.

Elections.

Vacancies.

SEC. 10. Vacancies occurring in the Board of Directors in the intervals between elections, may be filled by the Board of the unexpired term, in such manner as shall be provided by the by-laws of the Company.

Fiscal year.

SEC. 11. The fiscal year of the Company shall commence on and with the first day of January, and terminate on and with the thirty-first day of December each and every year.

SEC. 12. Within ninety days after the expiration of five years from the first day of January, one thousand eight hundred and seventy, and within sixty days after such subsequent periods of not less than two years, as the Board of Directors may deem for its best interest, the Company shall cause a general statement of its affairs to be made, which shall fully and truly exhibit its property and liabilities, and

When general
statement to be
made.

also its profits remaining after deducting a sum sufficient to re-insure and cover all outstanding risks and other contingencies.

SEC. 13. The Board of Directors shall elect from among their number a President, Vice-President, and Secretary, who shall hold office during the pleasure of the Board. When said officers are absent, interested, or unable to act, the Board may appoint at any time a President, Vice-President and Secretary to act temporarily.

Officers elected by Board.

SEC. 14. The Directors shall have full power to determine the plan, the rates, manner of paying premiums, and the amounts to be insured on one life, and the terms of such insurance, and also the plan of dividing profits among the stockholders and policy-holders; and in case any policy-holder shall omit to pay any premium due from him to the Company, or violate any other condition of the policy of insurance, the Board of Directors may forfeit his policy, and apply all previous payments to the benefit of the Company.

Power of Directors.

SEC. 15. The Company shall, within sixty days' after the expiration of the first five years, or sooner, and at each subsequent period, as the Board of Directors may determine, of not less than ten years, pay in cash to the holders of its capital stock, in proportion to the amount of capital stock owned by them, twenty per cent. of the profits, as ascertained according to section twelfth of this charter, and shall equitably divide the remaining eighty per cent. thereof among the policy-holders, in such manner and at such time as the Board of Directors may determine; *Provided however*, That the Company may, in lieu of paying such dividends to policy-holders in cash, apply the amount of the said eighty per cent. of the net profits due any policy-holder to the payment of any note or notes, whether due or otherwise, which the Company may hold against the said policy-holder paying the balance, if said amount be in excess of the amount of the said note or notes, with accrued interest to the said policy-holder in cash, or be applied in such man-

Holders of capital stock, when paid.

ner as may be otherwise provided in the by-laws of the Company.

Holders entitled to interest.

SEC. 16. The holders of the capital stock shall be entitled to interest thereon half yearly, at the rate then established by law, but the first half yearly payment shall not be made until after the first day of January, one thousand eight hundred and seventy.

Company may pay off.

SEC. 17. The Company may, at any future day, when in the opinion of the Board of Directors it shall be for the interest of the Company so to do, pay off and cancel the capital stock of the Company in such manner as may seem best by the Board of Directors.

Accidental policies.

SEC. 18. In addition to making ordinary insurance on the lives of individuals, the Company shall have power to issue accidental policies and insure against injury to persons while traveling.

Stock transferable

SEC. 19. The capital stock of the Company shall be transferable according to the rules and regulations prescribed by the Directors, and every subscriber of any share or shares in said stock who shall neglect to pay the instalments aforesaid, or to secure the residue of the said share or shares, and all payments made thereon and all profits which may have arisen thereon.

President to sign notes and policies.

SEC. 20. All notes or policies of insurance, signed by the President and countersigned by the Secretary, shall bind and oblige said corporation according to the terms and tenor thereof.

Wallace to call meeting.

SEC. 21. Mr. Stephen D. Wallace is authorized to call a meeting of the corporation to be held in the City of Wilmington within one month next after this charter has been granted by the Legislature, which meeting may be organized by a Moderator and such Committees as may be deemed proper, and said meetings may be adjourned from time to time until said corporation shall be organized agreeable to the charter, and stock shall be taken up to the amount of one hundred thousand dollars before said corporation makes any assurances.

SEC. 22. Policies of insurance issued by said Company on the life of any person expressed to be for the benefit of a married woman, whether the same be effected by herself or her husband or any other person in her behalf, shall insure to her separate use and benefit, and that of her or her husband's children, if any, as may be expressed in said policies, independent of her husband and his creditors and representatives, and also independent of any other effecting the same in her behalf, his creditors and representatives always: *Provided*, That this section shall not apply to insurance when the cash portion of the annual premium on the policy shall exceed the sum of three hundred dollars unless paid from the private funds or property of the wife. Policies to insure to whom.

SEC. 23. The Company shall have power to defer the commencement of business for five years with this charter in full force and effect, and shall also be allowed ten years to settle up its business. Power to defer, &c.

SEC. 24. This charter shall be perpetual. Perpetual.

SEC. 25. This act shall take effect immediately.

Ratified the 26th day of February, A. D. 1869.

CHAPTER XLII.

AN ACT TO INCORPORATE THE NORTH CAROLINA REAL AND PERSONAL ESTATE AGENCY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph G. Hester, John C. Hester, Joseph Dixon, F. Sturges, E. Via, and their associates and successors in office, are hereby constituted a body politic and corporate, under the name and style of the "North Carolina Real and Personal Estate Agency," shall have succession, use a common seal, may sue and be sued, plead and be impleaded, and shall have all powers incident to bodies cor- Body corporate.

porate, may hold and acquire real and personal property, and shall have all the rights and privileges to conduct and carry on the said agency.

By-laws.

SEC. 2. That said Company may pass all such by-laws as may be necessary to organize the same, may elect such officers and on such terms as the Company shall think proper, and may require and take from such officers bonds for the faithful discharge of their duties.

Capital.

SEC. 3. The Company may have a capital stock not to exceed five hundred thousand dollars, and the shares shall each be one hundred dollars, and may be subscribed and paid in such proportion as the Directors and Stockholders may require.

Personal property.

SEC. 4. That whenever any real or personal property shall be placed in the hands of the said Agency for sale it shall be lawful for the said Agency to advance to the owner thereof as much as fifty per cent. of the value of said property, at a rate of interest, on such advancement, not exceeding eight per cent. per annum; and the said Agency shall have the right and power to sell and dispose of any real or personal property, placed in their hands for sale, in any mode or manner the Agency shall deem best, and the officers and Directors of the Agency shall be held to a strict accountability to comply with the terms of contract they may make with the owners of property, accounting to them for the price agreed upon for every piece of real and personal property placed in their hands for sale, and in case of default, such owner or owners shall have cause of action against the Agency for damages.

Majority to organize.

SEC. 5. That a majority of the members of the Agency shall have power to organize and conduct the business of the Company, and that this charter shall be in force thirty years from and after its ratification, and that all statutes in conflict with this act of incorporation are hereby repealed.

SEC. 6. That this act shall take effect from and after its ratification.

Ratified the 26th day of February, A. D. 1869.

CHAPTER XLIII.

AN ACT TO INCORPORATE WAYNESVILLE LODGE, NUMBER TWO HUNDRED AND FIFTY-NINE, ANCIENT YORK MASONS, IN THE TOWN OF WAYNESVILLE, COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present, or in future may be, of Waynesville Lodge, number two hundred and fifty-nine, of Ancient York Masons, in the Town of Waynesville, County of Haywood, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Waynesville Lodge, number two hundred and fifty-nine, Ancient York Masons," and by that name may have succession and a common seal, and the same change at pleasure, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract and be contracted with, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business, including such real estate as may be necessary for the erection of an Academy: *Provided*, All the real and estate owned by said Lodge shall not exceed in value ten thousand dollars.

Body corporate.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its government which may not conflict with the Constitution and laws of this State or of the United States.

By-laws.

SEC. 2. That this act shall be in force and take effect from and after the ratification thereof.

Ratified the 1st day of March, A. D. 1869.

CHAPTER XLIV.

AN ACT TO ENABLE THE CITY OF RALEIGH TO BORROW MONEY
FOR CERTAIN PURPOSES.

Borrow money.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of paying present indebtedness of the City of Raleigh, and also for meeting the expense of improvements to be made for the same, the said City is hereby authorized and empowered to issue bonds severally of such sums or denomination, payable at such time or times respectively, drawing interest at such rate, not exceeding eight per cent. per annum, payable half yearly, of such form and tenor, and transferable in such way as the Board of Commissioners of said City shall deem most judicious. The said bonds so to be issued, shall be disposed of upon the best terms practicable; *Provided*, That said bonds be of the denomination of one hundred, and five hundred, and one thousand dollars respectively, and in such proportion as may be deemed advisable; *And provided further*, That said loan shall not exceed fifty thousand dollars, and the bonds having twenty years to run.

Payment.

SEC. 2. That the Board of Commissioners of the City of Raleigh are hereby authorized and empowered, and it shall be their duty to provide for the payment as well of the principal money, as also of the accruing interest of the bonds to be issued under the power granted in the preceding section, by annually laying particular taxes for these special purposes, on all the persons and subjects of taxation on which said Board of Commissioners now are or hereafter may be authorized to lay taxes for any purpose whatever, and such taxes shall be collected and specially and exclusively applied to the satisfaction and discharging of the interest, and also of the principal money of such bonds, and so much thereof as may not be annually required to pay such interest, and cannot be applied in discharge of the

principal money of said bonds, shall be so invested as to secure the payment of such principal money upon maturity of said bonds. For the purpose of answering the due investment of the amount to be collected from year to year, and applicable to the payment of the principal money of said bonds, the Board of Commissioners aforesaid shall appoint some suitable person to be styled "Commissioners of the Sinking Fund of the City of Raleigh," whose duty shall be, under such general rules and regulations as said Board of Commissioners shall, from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal money of said bonds, and to do and perform all such other services in connection with the debt of the City of Raleigh, as said Board of Commissioners may prescribe, and such Commissioner shall give bond, and receive such compensation for his services as said Board of Commissioners may determine.

Commissioner.

Bond.

SEC. 3. That none of the bonds authorized to be issued by the first section of this act, shall be disposed of either by sale, exchange or otherwise, for any purpose whatsoever, other than that declared in said section; nor shall any of said bonds be applied either by sale, exchange or otherwise, in satisfaction, discharge or renewal of any one of the class of debts referred to in said section, until such debt shall have been first duly audited and approved by the Board of Commissioners of the City of Raleigh.

When bonds to be disposed of.

SEC. 4. The provisions of this act shall be submitted to a vote of the qualified voters of the City of Raleigh at an election to be held at the Court House in said City, at a day to be designated by the Commissioners thereof, which shall not be less than thirty days after the ratification of this act. Those approving the provisions of this act, shall deposit in the ballot-box, a slip folded, containing the printed or written word "Approved." Those disapproving the same, shall deposit a like ballot with the words "Not Approved." If a majority shall vote "Approved," it shall be deemed

To be submitted to qualified voters.

Majority.

and held that a majority of the qualified voters are in favor of giving the Commissioners authority to issue the bonds of the City as mentioned in this act, and likewise to levy and collect the necessary taxes to pay the interest and principal of said bonds as above mentioned. If a majority of said voters shall vote "Not Approved," then this act shall be of no effect. Those qualified to vote for Mayor and Commissioners of said City and none others shall be allowed to vote, and the election shall be held and returns made, under such rules and regulations as exist in case of election of civil officers. It shall be the duty of the Mayor to cause a copy of this act to be posted at the Court House door, and to be published in the Raleigh "Standard" and "Sentinel" daily for twenty days preceding the election, and he shall publish in like manner a notice of the election. Public notice shall be given of the result of the election.

Registration

SEC. 5. The Commissioners of the City of Raleigh shall have power, consistently with the laws of the State, to provide for the registration of voters, and to take all measures necessary and proper for holding the election as contemplated in this act.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1869.

CHAPTER XLV.

AN ACT TO INCORPORATE THE NEW HANOVER AGRICULTURAL SOCIETY.

Preamble.

WHEREAS, The development of the agricultural resources of this State will secure to her people a certain and lasting prosperity, and is therefore worthy of public as well as private countenance and support, and whereas, great good

is accomplished by agricultural societies by improving the methods of cultivating and enriching the soil, and by disseminating practical and scientific knowledge upon the subject of agriculture; and as these desirable results can be best attained by giving to private societies a corporate existence so as to secure them permanency as bodies politic, and the legal right as such to hold and use property for carrying out successfully the objects of their organization; therefore,

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dugald McMillan, Solomon S. Sachwell, James Garrison, Robert R. Bryan, Charles W. McClainny, Archibald R. Black, John D. Powers, Owen Fennell, Sen., Lewis Highsmith, Joel L. Moore, Owen Alderman, Herman H. Robinson, Dawson T. Durham and James S. Hines, their associates and successors are hereby incorporated, and made a body politic under the name and style of "The New Hanover Agricultural Society," and by that name shall sue and be sued, purchase and hold real and personal property, and use the same in promoting the general objects of the society, and have all the powers, rights and authority incident to such bodies corporate, and as are contained in chapter twenty-sixth of the Revised Code entitled Corporations.

SEC. 2. The Society shall annually elect a President and five Directors, who shall have the general management of the affairs of the Society as a Board of Directors, of which the President shall be Chairman, *ex officio*, also, five Vice-Presidents, Treasurer, Recording Secretary, Corresponding Secretary, and all such other officers as may be deemed necessary, all of whom shall hold their offices until their successors are elected. The Society may change the number of Vice-Presidents and Directors when it shall be expedient to do so.

Election of President and Directors.

SEC. 3. The Society shall have power to establish and hold fairs and award premiums for the encouragement of agricultural manufactures, the mechanic and fine arts, and the industrial pursuits of the country generally, to have and maintain a model farm, and to found and conduct one

Power to hold fairs, &c.

or more schools, in which practical and scientific agriculture, and the usual branches of a liberal education may be taught, but with special reference to the interests of agriculture, and shall continue in existence for ninety-nine years.

Citizens of other
Counties not pro-
hibited.

SEC. 4. Nothing in this act shall be so construed as to prevent the citizens of other Counties, whether in an individual or associated capacity, from uniting with the citizens of New Hanover County, under the name and style of the New Hanover Agricultural Society for the purposes herein stated, and with all the rights and privileges herein granted.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 3d day of March, A. D. 1869.

CHAPTER XLVI.

AN ACT TO INCORPORATE THE LITTLETON MANUFACTURING COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of this State, the following named persons, viz: Thomas W. Harris, Charles J. P. Alston, A. M. Johnston, David Clarke, and George Little, their associates, successors and assigns, are hereby constituted a corporation and body politic, for the term of twenty years, under the name and title of the Littleton Manufacturing Company, with a capital stock of two hundred and fifty thousand dollars, (with liberty to increase the same to one million dollars,) to be divided into shares of one hundred dollars each, and to have the privileges and immunities belonging to corporations organized under the twenty-sixth section of the Revised Code.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things to settlers and others, on such terms and on such securities, real or personal, as may be agreed on, to grow and sell fruits and other vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to buy and sell goods, wares and merchandise, and may own and manage steam or other vessels, and take measures for the transportation of property or for carrying out any other purposes connected with the business of said Company.

Power to buy, &c.

SEC. 3. The business of said Company shall be managed by a Board of five Directors, who shall elect a President and such other officers as they may see proper, and prescribe their terms of service and compensation.

Board of Directors to manage business.

SEC. 4. The stockholders of said Company shall make such by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the State or of the United States.

By-laws.

SEC. 5. That the said Littleton Manufacturing Company shall have the power of constructing a Turnpike Road from some point at or near Littleton to Ransom's Bridge, in Nash County, and also a Turnpike Road from the Virginia State line, at or near Alexander's Ferry, on Roanoke River, to Louisburg, in Franklin County, North Carolina, with all the privileges, immunities, rights and franchises that are now granted to the Western North Carolina Rail Road Company.

Power to construct Turnpike Road.

SEC. 6. That the Directors may establish toll gates, and a system of toll rates to be approved by the County Commissioners of the several Counties through which the Road passes, as soon as the said Road shall be completed, and the tolls collected upon the Roads shall be paid over to the Treasurer of the Company.

Toll gates.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1869.

PRIV. 5.]

CHAPTER XLVII.

AN ACT FOR THE RELIEF OF J. W. SCHENCK, THE SHERIFF OF
NEW HANOVER COUNTY.

Preamble.

WHEREAS, Judgment was entered against J. W. Schenck, the Sheriff of New Hanover County, at the fall term of the Superior Court of Wake County, for arrears of taxes, costs and a penalty of one thousand dollars; and

Whereas, Said J. W. Schenck, Sheriff, became liable to said penalty through the failure of the former Clerk of New Hanover County to furnish the list of unlisted taxes, and through no fault of his own; therefore,

Remitted.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. W. Schenck, the Sheriff of New Hanover County be, and he hereby is released from the payment of said penalty of one thousand dollars, upon the condition precedent that he pay to the Treasurer all arrears of taxes due for said County appearing from lists on file in the Auditor's office, and the cost in said judgment.

Treasurer to settle, &c.

SEC. 2. The Public Treasurer is hereby authorized to settle with J. W. Schenck, the Sheriff of New Hanover County, upon receiving from him the amount of taxes due from said County as certified by the Auditor and the costs of said judgment.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER XLVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF NEWTON, IN THE COUNTY OF CATAWBA, RATIFIED THE — DAY OF — ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, AND ACTS AMENDATORY THEREOF.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of “An act to amend an act entitled an act to incorporate the Town of Newton, in Catawba County,” ratified the — day of — one thousand eight hundred and fifty-nine, be, and the same is hereby so amended as to authorize and empower the Town Commissioners to accept the resignation of the Trustees of the Female Academy of Newton, and to appoint their successors in case of vacancy by resignation or otherwise. Amended.

SEC. 2. That the Commissioners of said Town be, and they are hereby empowered to sell the end of such streets as they may deem best for the interest of the Town, to the highest bidder, with the written consent of all the persons whose lots adjoin the end of said streets, and that the Magistrate of Police shall have power to convey the same by deed. Power to sell streets.

SEC. 3. That the Commissioners of said Town shall have the power to open such new streets as they shall deem necessary; *Provided*, That it shall not be done to the damage of private property, unless by the written consent of the owners of such property, or by paying the full value of damages for the same. New streets.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER XLIX.

AN ACT TO INCORPORATE "REHOBOTH LODGE, NUMBER TWO HUNDRED AND SEVENTY-NINE, OF ANCIENT YORK MASONS," AT TEACHEY'S, IN THE COUNTY OF DUPLIN.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact,* That the officers and members who are at present, or in future, may be of Rehoboth Lodge, number two hundred and seventy-nine, of Ancient York Masons, at Teachey's, in the County of Duplin, be and they are hereby incorporated into a body politic and corporate, under the name and style of "Rehoboth Lodge, number two hundred and seventy-nine, of Ancient York Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of record, or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws, &c.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the Constitution and laws of this State and of the United States.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER L.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF THOMASVILLE.

Limits extended.

SECTION 1. *The General Assembly of North Carolina do enact,* That the corporate limits of the Town of Thomas-

ville, in the County of Davidson, be extended one-half mile beyond the present corporate limits on every side.

SEC. 2. That this act shall go into effect from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER LI.

AN ACT TO INCORPORATE HIBRITTON LODGE, LENOIR, CALDWELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present, and in future may be, of Hibritton Lodge, number two hundred and sixty-two, of Free and Accepted Masons in the Town of Lenoir, County of Caldwell, be and the same is hereby incorporated into a body politic and corporate, under the name and style of "Hibritton Lodge, of Free and Accepted Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of business.

Body corporate.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER LII.

AN ACT TO INCORPORATE ATLANTIC LODGE, NUMBER TWO HUNDRED AND THIRTY-EIGHT; FREE AND ACCEPTED MASONS, AT INDIAN RIDGE, IN THE COUNTY OF CURRITUCK.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of Atlantic Lodge, number two hundred and thirty-eight, of Free and Accepted Masons and their successors at Indian Ridge, in the County of Currituck, be and they are hereby constituted a body politic and corporate, by the name and style of Atlantic Lodge, number two hundred and thirty-eight, of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, may plead and be impleaded, have a common seal, and in general may exercise all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER LIII.

AN ACT TO INCORPORATE JEFFERSON LODGE, NUMBER TWO HUNDRED AND NINETEEN, FREE AND ACCEPTED MASONS, IN THE TOWN OF JEFFERSON, ASHE COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present, or who may be, of Jefferson Lodge, number two hundred and nineteen, of Free and Accepted Masons, in the Town of Jefferson, County of Ashe, be and they are hereby incor-

porated into a body politic and corporate, under the name and style of Jefferson Lodge, number two hundred and nineteen, of Free and Accepted Masons, and by that name and style may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of property, both personal and real, to an amount not exceeding twenty thousand dollars.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the Constitution and laws of this State and of the United States. By-laws.

SEC. 2. That this act shall be in force and take effect on and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER LIV.

AN ACT TO INCORPORATE THE TOWN OF MOUNT AIRY, IN THE COUNTY OF SURRY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Mount Airy, in the County of Surry, be and the same is hereby incorporated. Body corporate.

SEC. 2. That the Town of Mount Airy is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter three, Revised Code, entitled "Towns." Rights and powers.

SEC. 3. That the Town of Mount Airy shall be bounded as follows: beginning at a pine near R. R. Galloways' tanyard and runs south ten degrees, east twenty-five chains, to a stake in Robert S. Gilmers' field, thence south twenty-eight degrees, east forty-nine chains, to a walnut tree beside a large rock in the Speradly lot, thence south thirty-six Boundaries.

degrees east, crossing mill road twenty-three chains and eighty links, to an apple tree, on the east side of main street below Mrs. Elisha Bunnars residence, thence forty-four degrees west, crossing main street twenty-two chains and seventy-five links, to a pine near an old road, thence south eighty-three degrees west, crossing the Dobson road to a pine on J. C. Norman's land, thence north fourteen degrees west, crossing Fancy Gap road sixty-four chains to an apple tree on the north bank of said road, thence west seventeen degrees east thirty-four chains and seventy-two links, to a post in R. R. Galloway's fence on road leading from said Galloway's to Mrs. Rachael Moore, thence to the beginning.

Governor to appoint intendent.

SEC. 4. That the Governor of the State shall appoint an intendent of police and four Commissioners for the government of Mount Airy, who shall continue in office until their successors are elected according to law.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1869.

CHAPTER LV.

AN ACT TO INCORPORATE THE WILMINGTON STEAM FIRE ENGINE COMPANY.

Preamble.

WHEREAS, Certain citizens of Wilmington propose, by private subscription, to establish a Steam Fire Company in that City and to accomplish said praiseworthy object effectually, an act of incorporation is deemed necessary.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That John L. Boatnight, C. R. Banks, R. B. Jerrett, F. Robinson, H. McGuinn, S. S. Nash, John Lord, and the persons who shall hereafter be associated with them under

this charter, are hereby created a body corporate, under the name of "The Wilmington Steam Fire Engine Company," and that they and their successors shall enjoy all the powers and privileges, and be subject to all the liabilities of corporations of like character.

SEC. 2. *Be it further enacted*, That the membership of said Company shall never exceed seventy-five in number at any one time, and that the members shall, during membership, be exempt from all jury and militia duty, and in case of active service in said Company for five successive years, said exemption shall continue during the life of the member rendering such active service. Membership.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1869.

CHAPTER LVI.

A FURTHER SUPPLEMENT TO AN ACT ENTITLED AN ACT TO
INCORPORATE THE GREEN SWAMP COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said "The Green Swamp Company" is hereby authorized and empowered, in its corporate capacity and name, from time to time, to make, execute, issue and deliver to any person or persons, trustee, body corporate or politic, bonds for the payment of money, with or without interest coupons attached, bearing interest at any rate not exceeding ten per cent. per annum, in denominations of not less than one thousand dollars, payable at such time or times, and in such amounts as it may deem necessary, and to sell and dispose of such bonds, for such price or consideration as said Company may think proper, and to make such bonds convertible, and provide for their conversion Bonds, &c.

into the capital stock of said Company, at such rates and upon such terms as said Company may think proper, and to secure the payment of such bonds, by one or more deeds of trust or mortgage upon the real estate, and other property and franchises of said Company.

By-laws.

SEC. 2. That the said "The Green Swamp Company" is hereby authorized and empowered to make a by-law, conferring upon the stockholders of said Company the power to be represented by and vote at all meetings of said Company by proxy or attorney.

Ratified the 9th day of March, A. D. 1869.

CHAPTER LVII.

AN ACT TO INCORPORATE THE CURRITUCK CLUB STEAMBOAT COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Isaiah Cain, Geo. S. Vauslych, B. T. Simmons, and such other persons as may hereafter be associated with them, are hereby incorporated into a Company, to be known as the Currituck Club Steamboat Company, for the purpose of transportation of passengers and freight from Currituck, and adjacent waters, to Norfolk.

Lands, boats, &c.

SEC. 2. That the said Company may purchase and own such steam, and other boats, lands, warehouses and merchandize as they may desire.

Capital stock.

SEC. 3. That the capital stock of the Company shall not be less than ten thousand dollars, or more than one hundred thousand dollars, in shares of ten dollars each.

How affairs managed.

SEC. 4. That the affairs of the Company shall be managed by a President and five Directors, who shall appoint all

other officers necessary for the care of their property and management of their business.

SEC. 5. This act shall be in force from its ratification.

Ratified the 10 day of March, A. D. 1869.

CHAPTER LVIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF JAMESVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the limits of the Town of Jamesville, in Martin County, shall be extended, embracing all the territory within the following described boundaries, to-wit: Beginning at a cypress tree on the south side of the Roanoke River, in the lands of R. Mason Jones and Susan Jones, thence extending through the same south twenty-four degrees west, ninety five poles to the middle of the Rail Road on the south side of the Plymouth Road, thence along the middle of the Rail Road south seven degrees west, seventy-one poles and two tenths to the south line of J. Edwin Moore's land, thence by the same north eighty degrees west, ninety-three poles to the ditch in Maple branch, thence down the said branch, the several courses thereof, fifty-three poles to a gum tree in Maple branch, thence north seventy-one degrees, west ninety-four poles to a stub in the Heyman field, thence north twenty-six and one-half degrees, east one hundred and fifty-one poles to a stub, thence north sixty-five degrees west, thirty-two poles to a stub, thence north twenty-six and one-half degrees east, ninety-seven poles to a pine tree standing first above E. H. Bailey's saw mill, thence north fifty-eight degrees east, sixteen poles to a cypress tree on the Roanoke River, and thence eastwardly down the same by the several courses

Amended.

thereof to the beginning. And it is hereby enacted and declared that all the laws heretofore pertaining to and governing the said Town of Jamesville, shall extend to and embrace all the said described territory, and that the Commissioners shall exercise full jurisdiction and supervision over the same as heretofore over the existing Town.

Election.

SEC. 2. That an election for Commissioners of the said Town for the current year, be held on the first Tuesday of next _____, when the legal voters within the newly defined limits shall elect Commissioners, who shall serve until their successors shall be elected at the usual annual election, and be qualified and organized as heretofore.

Power, &c.

SEC. 3. That the newly elected Commissioners, their successors in office, shall have full power and authority to extend the streets of the said Town of Jamesville, and lay out such new ones in the extended territory as they, with a competent surveyor, or to be elected by them, shall deem needful, to make a suitable and convenient Town plan, in pursuance whereof they shall have full authority to enter any of the lands within said limits, in order to survey and permanently make such streets, new and old, as shall be so out, and that such plan shall be and remain stable forever. And that when so laid out all property owners and builders shall conform to them when opening or building and improving the same; that such new streets shall not be required to be opened for public use until the owner thereof shall desire, unless the public necessity or convenience demand it, in which case a jury of three persons shall be summoned in the manner provided for summoning other jurors, upon the requisition of the Town Commissioners, who shall at once proceed to consider of and assess such damages, if any, which shall be paid out of the revenues of the said borough, and until such damages be paid to the land owners, his land shall not be appropriated to public use. In case said jury shall find "no damage," the land shall be at once appropriated to the public use upon the rendering of their report.

SEC. 4. The said Commissioners and surveyor are also hereby required to make grade regulations for drainage purposes, and for defining the widths of footways on all of the said streets, which shall be embodied on the said Town plan, and also shall determine the height of all such streets above an initial point established by them; also to provide water courses so as to lead off the surplus water from the streets and lots, to preserve and promote the health of the citizens. And when such survey shall be so completed, duplicate plans thereof shall be made, one copy thereof to be enrolled in the Registers Office of said County, and the other in office of the said Commissioners. Duplicates, &c.

Ratified the 10th day of March, A. D. 1869.

CHAPTER LIX.

AN ACT TO LEGALIZE AN ELECTION HELD IN THE TOWN OF MARION, MCDOWELL COUNTY, ON THE FOURTH DAY OF JANUARY, EIGHTEEN HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election held on the fourth day of January, eighteen hundred and sixty-nine, in the Town of Marion, McDowell County, for Mayor and Commissioners for said Town, is hereby legalized to all intents and purposes, and the said officers so elected shall hold their offices until their successors are duly elected at a regular election. Election legalized.

SEC. 2. That all ordinances and laws passed by the said Board of Commissioners shall be binding and in force. Laws, &c., binding.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1869.

CHAPTER LX.

AN ACT TO INCORPORATE TABASCO LODGE OF MASONS.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of the Tabasco Lodge, number two hundred and seventy-one, of Free and Accepted Masons, in the County of Guilford, at Gibsonville, be, and are hereby constituted a body politic and corporate, by the name and style of Tabasco Lodge, number two hundred and seventy-one, of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SECTION 2. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXI.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OR LESS OF THE BINGHAM SCHOOL.

Prohibited.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to sell spirituous liquors within two miles or less of the Bingham School, located in Orange County, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the Court.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXII.

AN ACT TO INCORPORATE THE CASTLE HAYNE VINEYARD
COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That George W. Swepson, Thomas D. Hogg, Robert R. Swepson, S. L. Fremont, and Joseph S. Cannon, their associates, successors and assigns, be and they are hereby created a corporation and body politic, in law and fact, by the name of "Castle Hayne Vineyard Company," for the purpose of growing fruits and vegetables of all kinds, and for the purpose of making the same into wines and liquors, and into such other forms and conditions as to make them useful, saleable and marketable, and to sell and dispose of the same, and as such body politic and corporate, and by such name may sue and be sued, plead and be impleaded, may adopt a common seal and alter the same at will, and may make all necessary by-laws and regulations, not inconsistent with the provisions of this charter, and the laws of the State and of the United States.

Body corporate.

SEC. 2. That said corporation shall have, use and enjoy all the rights, powers and privileges required to effectuate the purposes for which it is created, and shall have the right and power to purchase, hold, sell, transfer and convey all property and estate, real and personal, as may be required, or as said corporation may deem necessary or expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payment of debts or advancements of money to its use, and may take any and all securities to secure debts due to it.

Rights, powers,
&c.

SEC. 3. That the capital stock of said corporation shall consist of shares, the par value of which shall not exceed one million of dollars; the number and value of which shares shall be fixed and regulated in the by-laws of said corporation, and the stock thereof shall be personal prop-

Capital stock.

erty and be transferable as the said corporation may provide, and at all the meetings of the said corporation each stockholder shall be entitled to one vote, either in person or by proxy, for each share held by him.

Affairs, how managed.

SEC. 4. That the affairs of said corporation shall be managed by a Board of Directors, of not less than three nor more than five, who shall be chosen annually by the stockholders, and such Directors shall elect a President of their number, and if at any regular annual meeting the stockholders shall fail to elect new directors the directors then in office shall continue in office until their successors are duly elected and qualified.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXIII.

AN ACT TO INCORPORATE THE SWIFT ISLAND MANUFACTURING COMPANY, IN THE COUNTY OF MONTGOMERY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Calvin Wooley, Oliver H. Dockery, Duncan N. Patterson and James T. Bradley, their associates, successors and assigns, be and they are hereby created a corporation and body politic, in law and in fact, by the name of the Swift Island Manufacturing Company, for the purpose of Manufacturing Company for the purpose of manufacturing wood, cotton, grain and other articles in the County of Montgomery, and shall be subject to all the rules, regulations and restrictions contained in the twenty-sixth chapter of the Revised Code, or so much thereof as shall not be in conflict with the Constitution of this State or of the United States, in so far as they are applicable to such a

corporation and not inconsistent with the provisions of this act.

SEC. 2. That the capital stock of said corporation shall be fifty thousand dollars, in shares of one hundred dollars each, which may be increased to five hundred thousand dollars, by a majority of the stockholders (in interest) at any time, or from time to time in general meetings according to such regulations as they may adopt.

SEC. 3. Said Company shall have power to purchase and hold such property, both real and personal, as they may acquire for the purpose above mentioned.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D. 1869.

CHAPTER LXIV.

AN ACT FOR THE RELIEF OF T. F. LEE, SHERIFF OF WAKE COUNTY.

WHEREAS, It appears that T. F. Lee, Sheriff of Wake County, has deposited with the Treasurer of the State, on the fifteenth day of October, 1868, the amount due the State, upon the list as turned over to him by his predecessor R. K. Ferrell, and whereas, the Auditor and Treasurer of the State have refused to settle with the said Lee, according to the list furnished with him, therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor and Treasurer of the State be, and they are hereby authorized and directed to settle with the said T. F. Lee, Sheriff of Wake County, for the amount of taxes certified by the County Commissioners that were

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due the State on the tax list when turned over to the said T. F. Lee by his predecessor, R. K. Ferrell.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 17th day of March, A. D., 1869.

CHAPTER LXV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE ATLANTIC FIRE COMPANY NUMBER ONE IN THE TOWN OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act entitled "An act to incorporate the Atlantic Fire Company, number one, in the Town of Newbern," ratified the fifth day of January, Anno Domini, eighteen hundred and sixty-seven, be amended as follows :

Amendment.

SEC. 2. That the Atlantic Fire Company, number one, in the Town of Newbern, shall hereafter be known by the corporate name and style of the Atlantic Fire and Hook and Ladder Company, and by this name and style shall have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make all by-laws and rules necessary for the proper government of the Company and the management of its funds, not inconsistent with the laws of the State, and in all matters do and perform what is customary and proper for fulfilling the object of this association.

Exemptions.

SEC. 3. That members in the actual service of the Company, performing duty when required, shall be exempt, during the continuance of such service, from jury duty, and, except in time of insurrection or invasion, from militia duty, and after the faithful performance of required duties in the Company for the term of seven years, a certificate

thereof shall entitle such member to exemption as aforesaid from jury and militia duty for life.

SEC. 4. That all acts or parts of acts inconsistent with this act, are hereby repealed. Repealed.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXVI.

AN ACT TO INCORPORATE THE WOODLAWN COTTON AND WOOLEN MANUFACTURING COMPANY, IN THE COUNTY OF GASTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That Lewis Lineberger, Moses H. Rhyne, Cobb J. Lineberger, and John L. Lineberger, their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, under the name and style of the Woodlawn Manufacturing Company, and by that name may sue and be sued, shall have the right to purchase, possess and hold both real and personal estate. Body corporate.

SEC. 2. The said Company shall have power to make such rules, regulations and by-laws as may be necessary to the ordering and well-governing of the same, not inconsistent with the laws of this State or the United States. Rules, &c.

SEC. 3. The capital stock of said Company or Corporation shall not exceed seventy-five thousand dollars, to be paid in such manner and under such rules and regulations as may be necessary. Capital stock.

SEC. 4. The said Corporation, named in section first, shall have power to elect such officers as they may deem necessary for the proper management of the same. Power to elect officers.

Power to manu-
facture.

SEC. 5. The said corporation shall have full power and authority to manufacture cotton and woolen goods of every description, and deal in goods, wares and merchandize of every description.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXVII.

AN ACT TO INCORPORATE THE LOCKVILLE MANUFACTURING COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. D. Lockwood, Benjamin F. Butler, Geo. W. Swepson, W. H. Willard, W. D. Jones, D. J. Rich, C. S. Winstead, J. B. Cook, A. B. Andrews, O. S. Hayes, F. G. Martindale, L. G. Estes, W. H. S. Sweet, Jas. W. Osborne, R. W. Lassiter, R. S. Tucker, T. M. Argo, and their successors, associates and assigns, be, and they are hereby created a corporation and body politic, in law and in fact, by the name and style of the Lockville Manufacturing Company, for the purpose of manufacturing cotton, wool, jute and linen, and all articles whatsoever, at or near the Town of Lockville, in the County of Chatham, and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, have perpetual succession and a common seal, and acquire, possess, enjoy and retain real and personal estate, goods and merchandize to enable them to carry on their business with advantage and profit, and shall so continue for a term of ninety-nine years from and after the ratification of this act.

By-laws.

SEC. 2. That said corporation shall have power to make all necessary by-laws and regulations, not inconsistent with

the laws and Constitution of the State, for its government, and to appoint officers and agents to transact their business and conduct their operations.

SEC. 3. That the capital stock of said Company shall be one million of dollars, in shares of one hundred dollars each, and the said Company shall hold their annual meetings at such time and place as the stockholders, in their by-laws, may designate, at which a Board of five Directors shall be chosen, one of whom shall be chosen President, and the said Board of Directors shall have the management and control of the affairs of the Company, subject to the by-laws thereof.

SEC. 4. That it shall be the duty of the corporation to keep a full and fair record of their proceedings in a book or books provided for that purpose, and shall produce the same in any Court of Record when required to do so by said Court.

SEC. 5. That said corporation shall have power from time to time, in general meeting, to declare dividends of the net profits.

SEC. 6. That the stockholders, in general meeting, shall have power to adopt such rules and regulations with regard to certificates of stock, and the transfer and payment thereof as they may think necessary.

SEC. 7. That whenever any of the stockholders in said corporation shall sell or assign over their shares of stock respectively held by them, and thereby cease to be stockholders, they shall cease to be members of the Company as to all future operations and transactions, and the purchasers or assigns of said stock, shall be entitled to all the privileges and rights of any member of the Company.

SEC. 8. That the corporators mentioned in section first, may meet immediately after the ratification of this act and organize temporarily.

SEC. 9. That this act be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF LILLINGTON, IN THE COUNTY OF NEW HANOVER.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to incorporate the Town of Lillington, in the County of New Hanover, ratified the fifteenth day of February, Anno Domini, one thousand eight hundred and fifty-nine, be, and the same is hereby amended in the following particulars.

Limits extended.

SEC. 2. The municipal authorities of said Town are empowered to extend the corporate limits thereof, on the East to Gafford's branch, on the North to Mulberry branch, and on the South to Riley's branch.

Side streets.

SEC. 3. The municipal authorities shall have power to open side streets within the corporate limits of said Town.

Repealed.

SEC. 4. Section third of said act of incorporation is hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXIX.

AN ACT TO INCORPORATE RICHLAND LODGE, NUMBER TWO HUNDRED AND FOURTEEN, ANCIENT YORK MASONS, IN THE TOWN OF THOMASVILLE, COUNTY OF DAVIDSON.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. R. W. Thomas, George P. Dodson, Alex. McRary and J. M. Shelly, and their associates of the Ma-

sonic fraternity of the Town of Thomasville, and their successors, are hereby incorporated as such, in the name and style of Richland Lodge, number two hundred and fourteen, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record, or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the Constitution and laws of this State and of the United States.

Rules, &c

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXX.

AN ACT TO INCORPORATE COBB LODGE, NUMBER TWO HUNDRED AND SIXTY-FOUR, OF FREE AND ACCEPTED MASONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present, or in future may be, of Cobb Lodge, number two hundred and sixty-four, of Free and Accepted Masons, in the County of Guilford, be, and are hereby constituted and declared to be a body corporate, under the name of Cobb Lodge, number two hundred and sixty-four, of Free and Accepted Masons, and by such name shall have succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations

Body corporate.

as shall not be inconsistent with the Constitution and laws of this State or of the United States.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXI.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LUMBERTON, IN THE COUNTY OF ROBESON.

Limits extended. SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the Town of Lumberton in the County of Robeson are extended as follows: Extend the east line to the one mile post on the Elizabeth road, thence north to the one mile post on the Fayetteville road, thence west to Col. Morrisey's dwelling house, thence southwest to Lumber River, following the course of said river to the south side of the line of the Wilmington, Charlotte and Rutherford Rail Road, thence east to a point one hundred yards east of the depot, thence to the eastern line.

Vacancies. SEC. 2. That the Commissioners of said Town shall have power to fill any vacancy in their Board, or of the office of Mayor by a popular election of the qualified voters residing within the corporate limits of said Town, a notice of thirty days being given by said Board of Commissioners previous to said election.

SEC. 3. This act shall go into effect upon its ratification.
Ratified the 22d day of March, A. D. 1869.

CHAPTER LXXII.

AN ACT TO INCORPORATE THE RALEIGH CO-OPERATIVE LAND
AND BUILDING ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. S. Ashley, T. H. Coates, J. Brinton Smith, James H. Harris, G. W. Brodie, William Warwick, Nelson S. Farrar, Richard Shepard, Handy Lockhart and Calvin Strickland, and their associates, successors and assigns, shall be, and they are hereby created and constituted a body politic and corporate, by the name of the Raleigh Co-operative Land and Building Association, with a capital stock of two hundred thousand dollars, to be divided into shares of two hundred dollars each. Body corporate.

SEC. 2. The said Co-operation shall have power to buy and sell, lease, mortgage or otherwise convey lands, erect and purchase buildings, and to make and enforce such by-laws and rules, not contrary to law, as may be necessary and convenient for its regulation and business, may have a continual succession and a common seal, and shall be capable of suing and being sued, and of pleading and being impleaded, of defending and being defended, in any manner of action, suit, complaints, matter and causes whatever. Power to buy,
sell, &c.

SEC. 3. The stockholders in said corporation shall annually elect a President, Vice-President, Secretary and Treasurer, who shall constitute the Board of Directors, and execute the corporate powers thereof. President and
Directors.

SEC. 4. The said Corporation shall open books and receive subscriptions at the City of Raleigh, and may commence business whenever one hundred shares have been subscribed for, and an instalment of one dollar has been paid on each. The subscribers shall pay to said Corporation the sum of one dollar per month for each share of stock until the amount, with interest at six per centum, amount to the sum of two hundred dollars. At any time after said Books, &c.

amount shall have been paid in, the Board of Directors of said Corporation shall have power to wind up the business thereof, and thereupon the assets of said Company shall be rationally divided among its stockholders. Whenever any subscription to the stock of said Corporation shall be made after it shall have commenced business, it shall be lawful for said Directors to require such subscribers to pay at the time of such subscription or thereafter a sufficient sum to make his payment upon his stock equal to the payment and premiums of the original members, with interest as such Directors may allow, within one year from the commencement: such subscribers to pay only the sum of one dollar per month from the date of his subscription; *Provided*, That in such cases, upon the final settlement of the affairs of the Corporation, such subscriber shall receive a sum which shall bear the same proportion to the shares of the original subscribers as the amount paid by him and interest thereon shall bear to the amount and interest thereon paid by them.

Proviso.

Loans of money

SEC. 5. It shall be lawful for the Directors of such corporation to loan money to the stockholders thereof to any amount not exceeding the par value of their stock, and in case different stockholders shall compete for a loan of money therefrom, it shall be lawful for such Directors to receive bids from such stockholders, and they shall award the loan to the bidder offering to give his note in hand for the amount proposed to be loaned for the smallest sum; such note in hand given shall bear legal interest and be charged against such subscriber in the final settlement of the affairs of said corporation.

Board may invest funds.

SEC. 6. The Board of Directors may invest and employ the funds of the corporation in such way and manner as they may judge the interest of the corporation may require.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 27th day of March, A. D. 1869.

CHAPTER LXXIII.

AN ACT RELATING TO THE WEIGHING OF ROSIN AT THE PORT
OF WILMINGTON.

- SECTION 1. *The General Assembly of North Carolina do enact*, That all rosin sold in the City of Wilmington shall be weighed by two weighers or their deputies. Weighing of rosen.
- SEC. 2. That the said weighers of rosin shall be appointed by the Governor of the State, and may be removed by him at any time. Governor to appoint weighers.
- SEC. 3. That the weighers of rosin shall appoint one or more deputies to assist them in the performance of their duties. Deputies.
- SEC. 4. That the fee for weighing shall be three (3) cents per barrel, and said weigher shall mark the weight of each barrel thereon. Fees.
- SEC. 5. The said weighers shall be required to make out and deliver a certified copy of the weight of each lot of rosin, giving the weight of each and every barrel, to be delivered to the purchaser of said rosin, and also a duplicate copy shall be furnished to the seller, in consideration whereof said weigher, or his depnty, shall be entitled to the amount in section four, one-half of said amount to be paid by the purchaser, and one-half by the seller. Certificate of weight.
- SEC. 6. *Provided*, That this act shall apply only to such rosin as is sold in the City of Wilmington: *Provided further*, That no rosin shall be required to be weighed more than once. 7
Proviso.
- SEC. 7. That any person selling rosin in the City of Wilmington, without having been weighed as aforesaid, shall forfeit for each and every barrel so sold twenty-five dollars, to be recovered upon complaint before any Justice of the Peace, one-half of said fine to go to the benefit of the City of Wilmington, and one-half for the benefit of the informant. Forfeitures.
- SEC. 8. That said weigher shall give bond with good

security, in the sum of three thousand dollars, to be approved by the Board of Aldermen of the City of Wilmington for the faithful and honest discharge of his duty.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 29th day of March, A. D. 1869.

CHAPTER LXXIV.

AN ACT FOR THE RELIEF OF JESSE SUMNER, SHERIFF OF THE COUNTY OF BUNCOMBE.

Fine remitted.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jesse Sumner, Sheriff of the County of Buncombe, be released from a fine obtained against him in the Superior Court of Wake County, for one thousand dollars for failing to pay his tax in due time for the year eighteen hundred and sixty-eight.

SEC. 2. *And be it further enacted*, That said Sheriff be allowed his fees and commissions according to law.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXV.

AN ACT TO CHANGE THE NAME OF THE TOWN OF NAHUNTA, IN WAYNE COUNTY.

Change of name.

SECTION 1. *The General Assembly of North Carolina do enact*, That the name of the Town of Nahunta, in Wayne County, shall be changed to the name of Fremont.

*Nahunta
reorganized Feb.
1857. Private
Sess 1866-67
23.*

SEC. 2. That all laws coming in conflict with this act are hereby repealed. Repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXVI.

AN ACT TO INCORPORATE THE TRUSTEES OF THE TUCKASEGE
BAPTIST HIGH SCHOOL, IN THE COUNTY OF MACON.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. D. Brindle, J. R. Ammons, M. Rickman, J. L. Buckanan, A. J. Beck, J. J. Hooper, E. Stillwell, A. Hall, Jas. Bryson, Wm. Arnold, W. H. Higdon, John Ammons, John Elmore, T. S. Siler, George Crawford, T. J. Krinzey, Judson Osborne, Daniel Platt, Archie L. Herron, J. D. Franks, C. B. Mingus, and D. B. Nelson, their associates and successors, be, and they are hereby declared a body politic and corporate, to be known and designated by the name of the "Trustees of the Tuckasege Baptist High School," situated near Holly Springs, in the County of Macon, and by that name shall have perpetual succession, and shall require, receive and hold such moneys, chattels and lands as may be necessary to accomplish the purposes of the institution. Body corporate.

SEC. 2. No person shall erect, keep, maintain, or have, at the Tuckasege Baptist High School, in Macon County, or within two miles thereof, any tipling house, establishment or place for the sale of wines, cordials, spirituous or malt liquors. Tipling house prohibited.

SEC. 3. If any person shall offend against the provisions of the above section, he or she shall be deemed guilty of a misdemeanor, and upon conviction in any Court having Misdemeanor.

jurisdiction of the offence, shall be fined at the discretion of the Court, not exceeding fifty dollars.

SEC. 4. This act shall be force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXVII.

AN AN ACT TO INCORPORATE THE JOSEPH C. ABBOTT FIRE RELIEF ASSOCIATION OF WILMINGTON, NORTH CAROLINA.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. H. Howe, J. Harris, Peter Bradley, J. D. Davis, James Richardson, Simon Hays, David Jenkins, David Mosely, William Howe, Thomas Moore, William Whitley, Richard Jones, Emanuel Jones, Henry Sampson, Sandy Camiel and other persons who shall be associated with them for the object intended, and their successors, duly elected and chosen according to the by-laws of the association, shall constitute a body politic and corporate, by the name and style of the Joseph C. Abbott Fire Relief Association, for the purpose of more united and efficient action in the extinguishment of fire in the City of Wilmington, and by this style and name shall have power to acquire fire engines and appurtenances thereto, and such real estate as may be needful for their proper care and custody, the value of which shall not exceed the sum of ten thousand dollars.

SEC. 2. That said Association shall by the name and style aforesaid, have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make all by-laws and rules necessary for the proper government of the association and the management of its funds, not inconsistent with the laws of the State,

and in all matters do and perform what is customary and proper for fulfilling the object of their association.

SEC. 3. That the members in actual service of the association, performing duties when required, shall be exempt during the continuance of such service, from jury and militia duty.

Exemptions.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXVIII.

AN ACT TO AMEND SECTION FOUR OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE WILMINGTON HOOK AND LADDER COMPANY," RATIFIED FEBRUARY, TWENTY-SIXTH, ANNO DOMINI EIGHTEEN HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four of an act entitled "An act to incorporate the Wilmington Hook and Ladder Company," ratified February twenty-sixth, eighteen hundred and sixty-seven, be amended as follows: by adding at the end of the above cited section, after the word "juries," the words "and members of said corporation, after five years active service, shall be exempted from all militia, fire and jury duty."

Amendment.

SEC. 2. That after five years of active service in said Company a certificate of discharge may be issued by the Foreman thereof, to any member or members applying for the same by the consent of a majority of the members of said Company voting thereon.

Certificate of discharge.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXIX.

CHARTER OF THE TOWN OF HENDERSON.

Continue a body
corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the Town of Henderson shall be and continue as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The Town of Henderson," and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may hold and acquire for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value one hundred thousand dollars, and may, from time to time, sell, dispose of, or invest the same as shall be deemed proper and advisable by the proper authorities of the corporation.

Mayor and Com-
missioners.

SEC. 2. That the Town government shall consist of a Mayor and five Commissioners, to be annually elected on the first Monday in January, by the qualified voters within the corporate limits of the Town of Henderson.

Eligibility.

SEC. 3. That any qualified elector within the corporate limits of the Town, shall be eligible as Mayor or Commissioners: *Provided nevertheless*, That no person shall be eligible as Mayor or Commissioners unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-one years, and shall have resided within the corporation sixty days next preceding the day of election.

Proviso.

Qualification of
voters.

SEC. 4. That no person shall be entitled to vote for Mayor or Commissioners, unless he be a native or naturalized citizen of the United States, and shall have resided within the corporate limits of the Town sixty days next preceding the day of election.

SEC. 5. That the Mayor and Commissioners shall hold their offices respectively, for the period of one year, and until their successors are qualified.

To hold office.

SEC. 6. That for the purpose of electing the said officers, the Commissioners shall, at least twenty days before the next election to be held after the first Monday in January, eighteen hundred and sixty-nine, and at least twenty days before the succeeding annual election, appoint two inspectors, who shall be qualified electors, and the inspectors shall give written notice thereof ten days before said election.

Elections.

SEC. 7. That the inspectors appointed under section six shall duly attend on the day of the election, at the time and place designated by them, shall be judges of the poll, receive the vote and conduct the election in like manner, and during the same hours of the day as elections for the members of the General Assembly.

Inspectors.

SEC. 8. That at the close of the election, the inspectors shall count the votes, and the person voted for as Mayor having the largest number of votes shall be declared elected Mayor, and the person voted for as Commissioners having the largest number of votes shall likewise be declared elected Commissioners, and the Mayor and Commissioners elect shall be notified of their election by the inspectors.

Who declared elected.

SEC. 9. That the inspectors before acting as such shall be sworn by the Mayor or a Justice of the Peace, to conduct the election fairly and according to law, and in case of absence of one inspector, his place shall be supplied by the Commissioners.

Inspectors to be sworn.

SEC. 10. That if among the persons voted for as Mayor there be two or more having the largest number of votes, who have an equal number of votes, the Commissioners elect shall within five days select a Mayor from such persons, and if a like tie occur in the election of Commissioners, the remaining Commissioners elect shall within five days elect of such persons a Commissioner or Commissioners.

In case of tie.

Poll list to be
filed.

SEC. 11. That the Inspectors shall certify and subscribe the poll lists and return them to the Commissioners, who shall file them among the articles of the Town.

Oath.

SEC. 12. That the Mayor immediately after his election and before entering on the duties of his office, take the following oath: "I, A. B., do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, that I will diligently and faithfully perform the duties of the Mayor of the Town of Henderson to the best of my judgment, skill and ability, and that in discharge of my duties I will do equal justice in all cases."

Commissioners to
take oath.

SEC. 13. That each Commissioner shall, before entering on his office, take an oath before the Mayor or some Justice of the Peace, that he will diligently and faithfully perform the duties of Commissioner to the best of his ability.

In case of vacancy

SEC. 14. That if any person elected Mayor shall refuse to qualify as such, or there is a vacancy in the office from any cause after such election and qualification, the Commissioners shall elect some qualified person Mayor for the term or portion of the term, as the case may be, and in like manner or like occasion, the Commissioners shall elect other Commissioners to supply the place of such of their number as refuse to act, and fill all vacancies as may occur.

Mayor to have
authority, &c.

SEC. 15. That the Mayor, within the corporate limits, shall have all the authority of a Justice of the Peace, to preserve and keep the peace, and may cause to be arrested and detained as criminals who fly to the Town from other States or Counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences all persons offending against the laws of the State within the corporate limits, and against the laws, ordinances and regulations of the corporation. He shall, also, within the same limits, have as a judicial officer, all the authority and jurisdiction of a Justice of the Peace to issue process, to hear and determine all causes of action

which may arise upon the ordinances and regulations of the Town, to enforce penalties by issuing executions for any adjudged violation thereof, and to execute the laws and rules which the Commissioners may make, and to hear and determine all criminal cases arising within the corporate limits which are cognizable by a Justice of the Peace of the County under the Constitution and laws of North Carolina.

SEC. 16. That the Mayor shall keep a minute of all his judicial proceedings and of all process issued by him. The judgments rendered by him shall have the same force and efficacy of judgments rendered by a Justice of the Peace, and may be enforced against persons in the County of Granville and elsewhere, in same manner and by same means, as if the same had been rendered by a Justice of the Peace of the County of Granville.

Mayor to keep docket.

SEC. 17. That the Mayor shall keep his office in some convenient place in the Town, shall keep the seal of the corporation and perform such other duties as shall be prescribed.

Office.

SEC. 18. That the Mayor, when present, shall preside at all meetings of the Commissioners, and when there is an equal division upon any question, he shall determine it by his vote.

Mayor to preside.

SEC. 19. That the Commissioners shall, within five days after their election, convene for the transaction of business, and a majority of them shall be competent to perform the duties of Commissioners, unless otherwise provided, and, at their first meeting, shall fix stated days for meeting for the term of their office, which shall be as often at least as once in every month: *Provided, nevertheless,* That special meetings may be called by the Mayor, or a majority of the Commissioners, of which written notice shall be given.

Commissioners to convene.

Proviso.

SEC. 20. That if the Mayor, or any Commissioner, shall be absent from any regular meeting, or any special meeting of which notice shall have been given as aforesaid, without a valid excuse, to be judged of by the Commissioners, he

Fine of Mayor and Commissioners.

Proviso.

shall be fined five dollars to be applied to the use of the Town: *Provided, nevertheless*, That if at any meeting, general or special, the Mayor shall be absent, the Commissioners, a quorum being present, may elect one of their number to preside *pro tem*: *And provided further*, That whenever the question shall be upon a motion to fine the Mayor for absence or other delinquencies set forth in these by-laws and regulations, one of the Commissioners, to be elected in like manner as in the absence of the Mayor, shall preside until the question is determined.

Power to make laws, &c.

Proviso.

SEC. 21. That the Commissioners, when convened, shall have power to make and provide for the execution of such ordinances, rules and regulations, for the government of the Town, as they may deem necessary: *Provided*, They are not inconsistent with this act and are allowed by the laws of the State.

Power to borrow money.

Proviso.

SEC. 22. That among the powers hereby conferred upon the Commissioners, they may borrow money, pledge the credit of the Town and contract debts for the improvement of the Town: *Provided, nevertheless*, That these powers be exercised strictly in accordance with section seven, Article seven of the Constitution of North Carolina, and after the consent of the General Assembly of North Carolina first had and obtained in the manner prescribed in section sixteen, Article two, of the same Constitution. They shall provide water, provide for the cleansing and repairing the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations for the proper observance of the Sabbath. They may appoint and regulate Town watches, suppress and remove nuisances, preserve the health of the Town from contagious and infectious diseases, appoint Constables to execute such processes as the Mayor and other persons may lawfully issue to them to preserve the peace, &c.

Orders, how drawn.

SEC. 23. That all orders for the payment of money, on account of the Town, shall be drawn in the name of the Treasurer of the Board of Commissioners, who shall be

selected from the Commissioners at their annual meeting, signed by the Mayor and countersigned by the Secretary of the Board, who shall likewise be selected from the Commissioners at their first annual meeting. The Treasurer shall keep in a book, provided for the purpose, a fair and correct copy of all money received and disbursed by him, and, at the expiration of his term of office, turn over to his successor all money, property or securities belonging to the Town, which may at that time remain in his possession.

SEC. 24. That the Town Constable may have all the powers and authority vested in Sheriffs and Constables of the County for preserving the peace and apprehending offenders, and preserving the laws and ordinances of the Town, and shall have the same fees on all process and precepts executed or returned by him which are by law allowed to Constables of the County in like process and precepts: *Provided, nevertheless*, That he shall be amenable to the same rules in this, and in all his official acts and duties, as are now fixed by law for Constables of the County: *And provided further*, That he shall, within ten days after his election, give bond, conditioned in like manner as the bonds of the County Constables, for the faithful performance of his duties, with such sureties as the Commissioners shall approve.

Town Constable.

Proviso.

Proviso.

SEC. 25. That the Commissioners may require the abatement and removal of all nuisances within the corporate limits, at the expense of the person or persons causing the same, or the owner or tenant of the ground wherever the same shall be. They may establish and regulate slaughter houses, or the exercise of any unwholesome trade, within the same limits. They shall have power to prevent the running at large, within the same limits, dogs, horses, cows, and all other brutes. They may prevent by penalties the firing of guns, pistols, crackers, gunpowder or other explosive materials in the streets or corporate limits. They may, within the same limits, prevent, in like manner, the riding or driving of horses or other beasts at a greater speed than

Commissioners
may require abate-
ment of nuisance.

seven miles an hour. They may establish and regulate markets within the corporate limits, prescribe at what time and place marketable articles may be sold, in what manner the same shall be sold, whether by weight, measure or otherwise, erect scales, appoint a weigh master, establish his fees, and shall also have the power to prevent, by penalties, forestalling and regrating.

Public Buildings.

SEC. 26. That the Commissioners may erect all public buildings necessary for the Town. They may provide for the organization and equipment of fire companies, and the majority of the Commissioners present may take all necessary measures to extinguish or prevent the spread of any fire. They may take all needful measures and precautions for preventing the entrance into the Town of any contagious or infectious diseases or to arrest the progress of the same.

Licenses to sell liquors.

SEC. 27. That it shall not be lawful for the Board of County Commissioners to grant any license to retail spirituous liquors within the corporate limits of the Town or within a mile thereof, without permission in writing first obtained by the person or persons applying to the said County Board for such licenses from the Commissioners of the Town therein being, and if any license be granted without such permission, attested by the Secretary of the Town Commissioners and exhibited to the Board of County Commissioners and filed with the Clerk of said Board, the same shall be utterly void, and the persons retailing under such licenses shall be liable to indictment as for retailing without license and shall moreover forfeit to the Town the sum of fifty dollars.

Penalties.

SEC. 28. That all penalties incurred by any minor for the breach of this act and of any ordinance passed in pursuance thereof shall be recovered from the guardian, parent or master (if the minor be an apprentice) of such minor, and that all penalties imposed by this act or any ordinances passed in pursuance shall be recovered in the name of the Town of Henderson, before the Mayor or any tribunal having jurisdiction thereof.

SEC. 29. That in all cases where judgment may be entered against any person or persons for fines or penalties, according to the laws and ordinances of the Town, and the person or persons against whom the judgment is obtained refuses or is unable to pay such judgment, it shall be lawful for the Mayor or other person acting in his stead before whom the judgment is obtained to order or require such person or persons so convicted to work on the streets or other public works of the Town, until at fair wages such person or persons shall have worked out the full amount of the judgment and costs: *Provided, however,* That any person or persons so convicted may appeal to the Superior Court of the County in the manner and under the same regulations as are now prescribed by law for appeals from judgments rendered by Justices of the Peace.

Fines and judgments.

Proviso.

SEC. 30. That the Commissioners may provide for the erection of a House of Correction for the confinement and safe keeping of such offenders against the law of the State within the limits of the Town and against the rules, ordinances and regulations of the Town, made in pursuance of this charter and not inconsistent with the laws of the State, as may by him acting judiciary be committed thereto; *Provided,* That whenever any person or persons shall be committed by the Mayor to the House of Correction, the Constable shall be allowed the same fees as are now allowed by law to the Sheriff of the County.

Houses of correction.

SEC. 31. That the Constable under the directions and authority of the Commissioners, collect the taxes assessed for the Town, and immediately pay over the same when collected to the Treasurer of the Board of Commissioners, and for failure or dereliction in this or any other of his official duties he shall be liable to an action of his official bond in the name of the Town, at the suit of the Town, or other person aggrieved by such failure, and the same may be put in suit without assignment from time to time, till the whole penalty be recovered.

Constable to collect taxes.

SEC. 32. That the Commissioners may cause to be made

Transcript.

out semi-annually a fair transcript of their receipts and disbursements on account of the Town for the general inspection of the citizens of the Town, and cause the same to be posted before the Mayor's office on the first of July and the last of December, and for failure to comply with the requirements of this section, the Commissioners shall forfeit and pay for the use of the Town the sum of twenty-five dollars, to be recovered before any Justice of the Peace on the relation of any citizen of the Town.

Auctioneer.

SEC. 33. That the Commissioners at their first annual meeting may appoint a Town Auctioneer, who shall keep an account of his sales for the inspection of the Commissioners, and shall receive for his services two and one-half per cent. unless otherwise agreed upon between him and the owner of the goods sold, and if any one shall presume to act as auctioneer in the town without being duly authorized to do so, he shall be guilty of a misdemeanor.

Expenses met by
taxation.

SEC. 34. That for the purpose of defraying the expenses incident to the proper government of the Town, the Commissioners may annually levy and collect the following taxes:

1. On real estate situated within the Town, a tax not exceeding one dollar on every hundred dollars in value ;
2. On all taxable polls who may be resident in the Town on the first day of May of each year, or may have been resident within the corporate limits thirty days next preceding that day, a tax not exceeding two dollars ;
3. On every hundred dollars value of goods, wares and merchandise purchased for retail by any merchant trading within the Town within one year next preceding the first day of May of the year in which the same is listed, a tax not exceeding fifty cents ;
4. Upon all dogs kept in Town and which may be so kept on the first day of May of each year, a tax not exceeding one dollar : *Provided, however,* That discriminations may be made in taxing different species of dogs ;
5. Upon all swine and goats not prohibited by the Com-

missioners to remain in the Town, when confined, a tax not exceeding twenty-five cents per head ;

6. Upon all encroachments on the streets by porches, &c., not allowed by the Commissioners, a tax not exceeding fifty cents per square foot.

SEC. 35. That the citizens of Henderson, and others liable to be taxed on account of any of the foregoing subjects, shall on the first day of May or within ten days thereafter render to the Mayor on oath a list of their property and subjects for which they may be liable to be taxed, and if any person shall fail to render such list he shall pay double the tax assessed on the property so listed.

Citizens to pay double tax.

SEC. 36. That within one week after receiving the tax list the Mayor shall turn over the same to the Commissioners, who shall forthwith appoint three respectable freeholders not of their own body as assessors, who being duly sworn before the Mayor to do impartial justice to all in the discharge of their duties, shall assess the taxable real estate with its improvements lying within the corporate limits and make a list thereof, with the names of the owners thereof, and return it to the Commissioners on or before the first day of June next ensuing, and the value of the real estate of the assessors shall be assessed by the Commissioners.

Assessors.

SEC. 37. That as soon as the assessors shall have made their returns, the Board of Commissioners shall proceed to lay the taxes on such subjects of taxation as they may choose and shall place the tax list in the hands of the Town Constable for collection, who shall forthwith proceed to collect the same and shall complete the same on or before the first day of August next ensuing, and shall pay the money as fast as collected to the Treasurer of the Board of Commissioners, and the collector for his compensation shall receive an amount to be allowed by the Commissioners in their discretion.

Board to lay taxes.

SEC. 38. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time

To collect by distress.

prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some paper published in the Town, if the property to be sold be personally, and twenty days if it be realty: *Provided, however,* That if the property to be sold, as aforesaid, be realty, the collector may divide the same into as many lots as may be convenient (for which he may employ a surveyor) and sell as many as may be required to pay the taxes, and if no one will pay the taxes and expenses the same shall be struck off to the Town, and if not redeemed as hereinafter provided, shall belong to the Town in fee.

Proviso.

Collector to account, &c.

SEC. 39. That the collector shall keep an account of his proceedings under the above section, specifying the divisions of the land, if any, the purchasers and price, which he shall return to the Commissioners, who shall record the same in their books, and if there be a surplus of the proceeds of such sale after paying the taxes, the same shall be paid into the Town Treasury, subject to the call of the owner.

When lands may be redeemed.

SEC. 40. That the owner of any lands sold under the above section of this charter, his heirs, executors or administrators, or agent for them, may redeem the same any time within one year after sale, by paying the purchaser the sum by him paid and twenty-five per cent. of the taxes and expenses, and the Treasurer shall refund to him the amount received from the said purchaser without interest, less double the amount of the taxes, and if the real estate sold as above be not redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns in fee, and the recitals in such conveyance that the taxes were due, or that any thing was done which, by this charter in such cases, were requisite or necessary to be done, shall be *prima facie* evidence that the same was true and done.

Estates of infants and others.

SEC. 41. That the lands or other real estate of infants or persons *non compos mentis*, shall be subject to the payment of the taxes assessed on them, in the same manner as is

provided or may hereafter be provided by law for the subjection of it to the payment of other dues and demands for which it is liable.

SEC. 42. That when any land or right of way shall be required by the Town of Henderson, for opening new streets or other purposes, allowed by the charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the Town to be chosen by the Commissioners, and said freeholders after being duly sworn by the Mayor or a Justice of the Peace, to do full and impartial justice between the Town and the owner or owners of the land to be valued, shall take into consideration the damage or loss which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and also any benefit or advantage such owner or owners may receive from the opening of such streets or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage, shall form the measure of valuation of such land or right of way: *Provided, nevertheless*, That if the owner or owners of the land, or the Commissioners, be dissatisfied with the valuation, they may appeal to the next Superior Court of Granville County, to which Court the said freeholders shall return their valuation and proceedings thereon, and the lands so valued shall vest in the Town so long as it may be used for the purpose of the same, as soon as the valuation shall be paid into the hands of the owner and owners of the land, or in case of his or their refusal to receive the same, into the office of the Clerk of the Superior Court: *Provided further*, That such appeal shall not hinder the Town from erecting such improvements or opening such streets: *And provided further*, That in case of discontinuance of the use of the land, the Town shall have the right to take away the improvement put upon it.

When right of way is required.

Proviso.

SEC. 43. That in addition to the subjects listed for taxation, the Commissioners may levy a tax on the following

Additional taxes provided for.

subjects, the amount of which tax, when fixed, shall be collected by the Town Constable instantly, and if the same be not paid on demand, the same may be recovered by suit on the articles taxed, or any other property of the owner of them may be distrained and sold to satisfy the same, viz:

1. Upon all the itinerant merchants or peddlers vending or offering to vend in the Town, a tax of twenty-five dollars, except such as sell books, charts or maps, and such as sell goods, wares or merchandise, or other productions of the growth or manufactures of the State.

2. Upon every billiard table or bowling alley, and every victualing house or restaurant established, used or kept in the Town, and on every game allowed by law, a tax not exceeding twenty-five dollars.

3. Upon every permission by the Commissioners to sell or retail spirituous liquors, a tax not exceeding fifty dollars.

4. Upon every company of circus riders, who shall exhibit in the Town or within one mile thereof, a tax not exceeding twenty dollars for each separate exhibition, the tax to be paid before exhibition, and if not so paid to be double.

5. Upon every person or company exhibiting in the Town or within one mile thereof, stage or theatrical plays, slight of hand performances, rope dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty dollars on every exhibition, the tax to be paid before exhibition or to be double.

6. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the Town or within one mile thereof, a tax not exceeding ten dollars, to be paid before exhibition or to be double.

7. Upon every show or exhibition of any other kind, or any concert for reward, except concerts and exhibitions by the citizens of the Town for benevolent purposes, and upon every strolling musician, a tax not exceeding ten dollars.

8. Upon every hog, goat, horse, mule or bull running at large, a tax not exceeding one dollar, which said animals, being liable to the tax, may be seized and empounded, and

if the tax is not paid by the owner on being notified, may be sold, after five days' notice, at the Mayor's office, and the proceeds applied to the payment of taxes and costs.

9. Upon every dog owned and kept in the Town, a tax not exceeding one dollar for permission to keep such dog in the Town: *Provided*, That such permission shall not extend further than one year from the date of such permission, and if any person resident of the Town shall have and keep any dog in the Town without permission first had and obtained from the Commissioners, the Commissioners may impose upon the said dog or dogs double the usual tax.

Proviso.

SEC. 44. *Provided, nevertheless*, That the Commissioners shall not levy any tax on articles specially exempt from taxation.

Special exemptions.

SEC. 45. That no cellar shall be built under any side-walk or entrance established, or any side-walk to any cellar whereby free passage be delayed or hindered, and any offender herein shall forfeit and pay to the Town five dollars for every offence and for every day the same shall remain.

Cellars.

SEC. 46. That every owner of a lot, or one having an interest therein as great as three years' lease, which shall front any street on which a side walk shall have been established, shall, if required by the Commissioners, improve the side walk as far as it may extend along such lot, as the Commissioners may direct, and on failure to do so, ten days after notice, by the Constable, to said owner, or to his agent if he be a non-resident and have one, or after advertisement on the lot, or at the Mayor's office, if he be a non-resident and have no agent in Granville County, calling on the owner to make such repairs, the Commissioners may have the same repaired with brick, stone, or gravel at the expense of the owner of the lot or other person in default, and said expense shall be a lien on the lot, and if not paid within three months after completion of such repairs, such lot may be sold or so much thereof as may be necessary to pay such expense and costs, under the same rules, regulations, restric-

Side walks.

tions, right of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes.

Commissioners
to compel abatement
of nuisance.

SEC. 47. That the Commissioners may require and compel the removal and abatement of all nuisances within the Town at the expense of the person causing the same, or the owner or tenant of the ground whereon the same may be.

Mayor pro tem.

SEC. 48. That the Commissioners, whenever it may be necessary from any cause, shall have the power to select one of their number to act as Mayor *pro tem.*, who shall be invested with all the power and authority of the Mayor during such time as he may act as such, and in all other respects be governed by the same rules, and the Mayor's fee for all cases whereof he may have jurisdiction shall be the same as those which now and hereafter may be prescribed for Justices of the Peace, to be taxed among the costs for the use of the Town seal for other than Town purposes, one dollar, for every certificate for the arrest of any person who may have fled from other States or Counties two dollars, to be paid before the said person is carried away.

Limits.

SEC. 49. That the corporate limits of the Town of Henderson shall extend twelve hundred yards from the center of the site of the old warehouse in every direction.

Trades and pro-
fessions.

SEC. 50. That the Commissioners, in addition to the other taxes authorized by the charter, shall, if they think proper, lay a tax on all trades, professions and franchises not exceeding ten dollars for the exercise of any such trade, profession or franchise within the corporate limits for the space of one year.

When accepted.

SEC. 51. That this act shall be accepted by the qualified voters of the Town within one month after the ratification thereof, else it shall be of no effect, and to the end that the same may be submitted to the voters of the Town for acceptance or rejection, the Mayor then in office shall order an election, giving ten days' written notice thereof, and naming in each notice the object of such election, two Commissioners then in office being poll-holders, and conducting the

election in the same manner as the regular municipal elections are conducted, and all persons qualified to vote in regular municipal elections vote in said election: The ballots used in said election shall be marked "For the charter," for persons voting to ratify the charter, and "Against the charter," for those voting to refuse the charter. If the charter be accepted, the acceptance thereof shall be recorded in the minutes of the Commissioners, and signed by the Commissioners present, and attested by the Mayor, therefore the same shall thenceforth be the charter of the Town of Henderson.

SEC. 52. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Repealed.

SEC. 53. That this act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXX.

AN ACT TO AMEND THE CHARTER OF THE SILVER VALLEY MINING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the third section of an act entitled "An act to incorporate the Silver Valley Mining Company," ratified on the fifteenth day of February, eighteen hundred and sixty one, chapter one hundred and seven, be amended so as to authorize the present Board of Directors to appoint three additional Directors, to serve for one year, or until others shall have been chosen or appointed in their stead; and that at all future elections eight Directors may be chosen to manage the affairs of the corporation, two of which shall be citizens of the State. Amended.

Ratified the 1st day of April, A. D. 1869.

CHAPTER LXXXI.

AN ACT FOR THE RELIEF OF MARY CROWDER.

Allowed to marry. SECTION 1. *The General Assembly of North Carolina do enact*, That Mary Crowder be allowed to marry again without subjecting herself to the criminal prosecution and conviction prescribed in section seventeen, chapter forty, of the Revised Code.

SEC. 2 That this act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER LXXXII.

AN ACT TO RELIEVE RUFUS GALLOWAY, LATE SHERIFF OF
BRUNSWICK COUNTY.

Preamble.

WHEREAS, Rufus Galloway, late Sheriff of Brunswick County, was amerced in the sum of one thousand dollars by the late Superior Court of Wake County, for failing to settle with the Public Treasurer at the time prescribed by law; And whereas, the said Rufus Galloway, Sheriff of Brunswick County, has since made full and complete settlement with the Public Treasurer; therefore,

Remitted.

SECTION 1. *The General Assembly of North Carolina do enact*, Rufus Galloway, late Sheriff of Brunswick County, and his sureties, are hereby relieved from the penalty of amercement imposed by the late Superior Court of Wake County.

SEC. 2. The said Rufus Galloway shall be entitled to *per diem* and mileage, the same as though there had been no amercement. Per diem.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1869.

CHAPTER LXXXIII.

AN ACT TO INCORPORATE THE SPARKLING CATAWBA SPRING COMPANY, OF THE COUNTY OF CATAWBA.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. Golden Wyath, John Y. Bryce and Robert Ransom, and their associates, successors and assigns be and they are hereby created a corporation and body politic in law and in fact, by the name and style of the Sparkling Catawba Springs Company, and by that name and style may acquire, hold, possess and transfer estate, real and personal, including all kind of goods and chattels, may contract and be contracted with, sue and be sued, plead and be impleaded in any Court of record in this State, have a common seal, with power to alter, renew or change the same, have perpetual succession and shall continue until the first day of January, one thousand nine hundred and ten. Body corporate.

SEC. 2. That said corporation shall have power to open and establish mineral springs, and to erect and build all houses or other structures which they may deem necessary for the purpose of carrying on the same, and the said corporation shall have the further power to construct and complete all train, turnpike or other roads, which said corporation shall deem necessary for transporting passengers and freight to said springs. Power to establish springs.

PRIV. 8.]

Capital stock.

SEC. 3. That the capital stock of said Company may consist of sixty thousand dollars, in shares of five hundred dollars each, and may from time to time, with the consent of a majority of the stockholders, be enlarged to one hundred thousand.

By-laws.

SEC. 4. That said corporation shall have power to make and establish by-laws and regulations necessary and proper for its own government, the same not being inconsistent with the Constitution and laws of the State.

Stock deemed personal property.

SEC. 5. That the shares of stock in said corporation shall be deemed and taken as personal property, and shall be transferable under such rules and regulations as may be prescribed by the corporation.

Lawful to recover by suit, &c.

SEC. 6. That if any of the subscribers for stock in said corporation shall fail to pay the amount of his, her or their subscription, at such time and in such installments as he, she or they may be required by the President and Directors of said corporation, it shall be lawful for the President, in behalf of the corporation, to recover the same in any Court of record in this State, or to sell the stock of such delinquent, at such time and place and upon such terms as the President and Directors shall prescribe.

Affairs managed by a Board of Directors.

SEC. 7. That the stock, property and affairs of the Company shall be managed by the President and not less than two nor more than four Directors, who shall be elected by the stockholders in general meeting, shall hold their office for one year, or until their successors are elected, and two-thirds of all the stock being represented shall be considered sufficient to transact any kind of business belonging to said corporation, and general meetings of the stockholders may be called whenever the interests of the Company may require it.

Annual meeting.

SEC. 8. That an annual meeting of the stockholders, in person or by proxy, shall be holden at such place and time as a majority of the stockholders shall agree upon.

Dividends.

SEC. 9. That the proper officers of said corporation, when expedient, may declare dividends of the net profits thereof.

SEC. 10. That no person, without the permission of the President of said corporation, shall sell or retail spirituous liquors within one mile of the site of said springs, and person or persons violating the provisions of this act, shall, on conviction, for each offence forfeit and pay twenty dollars, to be recovered before a Justice of the Peace in the name of the President of the Sparkling Catawba Springs Company, said money to be applied to the use of said corporation.

Sale of spirituous liquors.

SEC. 11. That this act shall take effect and be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER LXXXIV.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF TARBORO'.

SECTION 1. *The General Assembly of North Carolina do enact*, That the eastern boundary line of the Town of Tarboro' be extended the present course of the line, between said Town and Panola Farm, northwardly until it strikes the main tract of the Tarboro' branch of the Wilmington and Weldon Rail Road; that the western boundary line be extended from the western abutment of Hendrick's creek bridge, northwardly the same course with the western boundary, and parallel thereto until it strikes the main track of the Tarboro' branch of the Wilmington and Weldon Rail Road, and that the lands included within said lines, on the east and west, and the main track of the Rail Road from Rocky Mount to Tar River on the north, be, and the same are hereby incorporated as a part of said Town of

Limits extended.

Burdens.

Tarboro', and the citizens residing therein shall be subject to all the burdens, and entitled to all the rights and privileges of the present citizens of said Town.

SEC. 2. That this act shall take effect and be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER LXXXV.

AN ACT TO INCORPORATE WILLIAM T. BAIN LODGE, NUMBER TWO HUNDRED AND THIRTY-ONE, OF ANCIENT YORK MASONS, IN WAKE COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of the William T. Bain Lodge, number two hundred and thirty-one, of Ancient York Masons, and their successors, in the County of Wake, be and they are hereby constituted a body politic and corporate, under the name and style of the William T. Bain Lodge, number two hundred and thirty-one, of Ancient York Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general may exercise and enjoy such rights and privileges as are usually incident to such corporate bodies of like nature.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 7th day of April, A. D. 1869.

CHAPTER LXXXVI.

AN ACT TO INCORPORATE THE HALIFAX MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert R. Bridges, John Bridges, Mat W. Ransom, W. W. Peebles, Bat. F. Moore, Nicholas Long, James W. Osborne, Wm. John Stone, William Barrow, and their associates, be and the same are hereby constituted a body politic and corporate, under the name and style of the Halifax Manufacturing Company. Body corporate.

SEC. 2. Said Company shall have power to engage in the manufacture of cotton, wool, wood or iron, either by steam or water power, and shall have power to locate their machinery in any County in North Carolina which they may prefer. Power of Company, &c.

SEC. 3. The capital stock of said Company shall be one million of dollars, in shares of twenty-five dollars each, with such increase as the stockholders may, after their organization, prefer. Capital stock.

SEC. 4. The affairs of said Company shall be managed by a Board of Directors, not exceeding five in number, to be chosen from the stockholders by ballot, on such terms and in such manner as the stockholders may prescribe. Affairs, how managed.

SEC. 5. Books of subscription for stock in said Company may be opened by the previous named corporators, at such places and such times as they may designate, who shall report the subscriptions to the said R. R. Bridges, who, as soon as fifty thousand dollars are subscribed, shall call a general meeting of the stockholders at such place and time as he may direct, who shall proceed to organize such Company, and adopt such by-laws for its government as they may deem proper. Books.

SEC. 7. Said Company shall have power to purchase and hold such real estate and other property, to sue and be sued, Power to purchase and hold.

and do all things necessary to carry on the business of such corporation.

SEC. 8. That this act shall take effect and be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER LXXXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF SALISBURY TO ISSUE COUPON BONDS.

Power to issue bonds.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Mayor and Commissioners of the Town of Salisbury, in order to pay the indebtedness of the said Town and defray the expenses of the same, be and they are hereby authorized and empowered to issue coupon bonds, not to exceed twenty thousand dollars, not to run exceeding twenty years, bearing interest at the rate of eight per cent. per annum payable semi-annually: *Provided*, That no bonds authorized in this act shall be issued until after an election to be held in said Town under the direction of the corporate authorities at a time specified by them, of which a majority of the votes cast by the qualified voters of said Town shall be in favor of the issuing of such bonds for the purpose as is herein specified.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER LXXXVIII.

AN ACT AUTHORIZING APPOINTMENT OF MUNICIPAL OFFICERS
FOR THE TOWN OF ROCKY MOUNT, IN EDGECOMBE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor be and he is hereby authorized to appoint a Mayor and five Commissioners for the Town of Rocky Mount, in Edgecombe County. Governor to appoint, &c.

SEC. 2. The Mayor and Commissioners authorized under this act shall be invested with all powers as though they had been elected at the time required by law for the regular election of municipal officers throughout the State, and shall hold their offices until their successors are elected at the regular election in January, eighteen hundred and seventy. Invested with powers as though they were elected.

SEC. 3. This act shall be in force from its ratification.
Ratified the 9th day of April, A. D. 1869.

CHAPTER LXXXIX.

AN ACT TO INCORPORATE THE NEW HANOVER LABORERS' AND
FARMERS' ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of encouraging labor and promoting the agricultural interests of the State the following named persons, viz: William McLaurin, John Whiteman, William Cuttar, Joseph Jones, William Waddell, and their associates, successors and assigns, are hereby constituted a corporation and body politic, under the name and title of the New Hanover Laborers' and Farmers' Association, with a capital stock of thirty thousand dollars, (with liberty to Body corporate.
Capital stock.

increase the same to one hundred and fifty thousand dollars,) to be divided into shares of twelve dollars each, and to have all the privileges incident and belonging to corporations organized under the twenty-sixth chapter of the Revised Code.

Power to buy,
sell, &c.

SEC. 2. The said corporation shall have power to buy and sell, lease and mortgage, or otherwise convey lands, to engage in any species of agriculture, to contract for the employment of labor, and take all such measures as may be useful or necessary for carrying out the purposes connected with the business of said Company.

Directors to man-
age business.

SEC. 3. The business of said Company shall be managed by a Board of five Directors, who shall be elected annually by the stockholders of said Company, and a President who shall be appointed by the said Directors, and such other officers may be appointed as the stockholders may see proper, and their term of service and compensation may be prescribed by the stockholders.

By-laws.

SEC. 4. The stockholders of said Company shall have power to make such by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the State or United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 9th day of April, A. D. 1869.

CHAPTER XC.

AN ACT TO INCORPORATE THE PINEVILLE WATER POWER AND MANUFACTURING COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. W. B. Watson, A. Heath and C. T. Jordan, and their associates, successors and assigns, be and they

are hereby created a corporation and body politic, in law and in fact, by the name and style of the Pineville Water Power and Manufacturing Company, for the purpose of dealing in water power, by erecting dams, either on the river Nense or Buffalo creek, and constructing canals, manufacturing cotton, wool, jute or linen, and all other articles whatsoever, at or near the Pineville Plantations, in the County of Johnston, and by that name may sue and be sued, plead and be impleaded in any Court of Record, contract and be contracted with, have perpetual succession and a common seal, and acquire, possess and enjoy, and retain real and personal estate, also goods and merchandise, to enable them to carry on their business with advantage and profit, and shall so continue for the term of ninety-nine years from and after the ratification of this act.

SEC. 2. That said corporation shall have power to make all necessary by-laws and regulations, not inconsistent with the laws and Constitution of this State, for its good government, and to appoint officers and agents to transact their business and their operations.

By-laws.

SEC. 3. That the capital stock of said Company shall be five hundred thousand dollars, in shares of one hundred dollars each, and the owners thereof shall, to all intents and purposes, be members of said Company hereby incorporated, and have equal powers and privileges with the original stockholders, and the stockholders shall have power to sell, alien and convey any part of their real estate.

Capital stock.

SEC. 4. That said Company shall hold their annual meetings at such times and place as the stockholders in their by-laws may designate, at which time and place the proper officers shall be appointed, and the President may call a meeting of the stockholders whenever, in his judgment, the business of the concern may require it, and in all meetings of the corporation the stockholders, in person or by proxy, shall each be entitled to one vote for every share of stock owned by him.

Annual meetings.

Record of proceedings.

SEC. 5. That said corporation shall keep in proper books a full and fair record of their proceedings, and shall produce the same in any Court of Record in this State, when required by said Court.

Power to construct dam.

SEC. 6. That said Company shall have power to construct a dam across Neuse river at Watson's Falls, about ten miles from Smithfield, and across Buffalo creek, near the ford on the Pineville Plantation: *Provided*, That they construct a proper fishway for the passage of fish in Neuse river.

Dividends.

SEC. 7. That said corporation shall have power from time to time to declare in general meeting, dividends of the net profits.

Rules and regulations.

SEC. 8. That the stockholders in general meeting shall have power to adopt such rules and regulations with regard to certificates of stock and the transfer and payment thereof as they may think necessary.

Membership and sale of stock.

SEC. 9. That whenever any of the stockholders in said corporation shall sell or assign over their shares of stock respectively held by them, and thereby cease to be stockholders, they shall cease to be members of the Company, as to all future operations and transactions; and the purchasers or assigns of said stock shall be entitled to all the rights and subject to all the liabilities of the former owners.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCI.

AN ACT TO INCORPORATE THE TRUSTEES OF THE UNION CHURCH ASSOCIATION AT COMPANY SHOPS.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Daniel Worth, B. E. Sergeant, J. G. Moore, J.

C. Holt and A. C. McAlister, and their successors duly elected, be and they are hereby made, constituted and declared a body corporate in the name and style of the Trustees of the Union Church Association at Company Shops, and by that name may have perpetual succession, sue and be sued, plead and be impleaded in any Court of Record, or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Association, and also such real estate as may be necessary for the purposes of this Association.

SEC. 2. That the said Association shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the Constitution and laws of this State or of the United States. By-laws.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCII.

AN ACT TO INCORPORATE MEBANESVILLE LODGE, NUMBER TWO HUNDRED AND SEVENTY-TWO, OF ANCIENT YORK MASONS, IN THE TOWN OF MEBANESVILLE, IN THE COUNTY OF ALAMANCE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present or in future may be of Mebanesville Lodge, number two hundred and seventy two, of Ancient York Masons, in the Town of Mebanesville, in the County of Alamance, be and they are hereby incorporated into a body politic and corporate under the name and style of Mebanesville Lodge, number two hundred and seventy-two, of Ancient York Masons, and by that name may have succession and a common seal, Body corporate.

sue and be sued, plead and be impleaded in any Court of Record, or before any Justice of the Peace in the State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of business.

By-laws.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the Constitution and laws of the State or of the United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCIII.

AN ACT TO INCORPORATE THE MIDDLE FALLS MANUFACTURING COMPANY, IN RICHMOND COUNTY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert J. Steele, Jr., and Thomas J. Steele, their associates, successors and assigns, be and they are hereby created a corporation and a body politic, in law and in fact, by the name and style of the "Middle Falls Manufacturing Company, of Richmond County," and in that name and style may sue and be sued, plead and be impleaded in any Court of record, contract and be contracted with, have perpetual succession and a common seal, and acquire, own and possess real and personal estate, and shall be so continued for the term of thirty years.

Power to establish factories.

SEC. 2. That the said corporation shall have power to establish factories and mills for the manufacture of cotton, wool, hemp, flax, leather, iron, wood, and other like mate-

rials, upon Hitchcock's creek, in the County of Richmond, and for no other purposes.

SEC. 3. That within ninety days after the passage of this act that any three of the stockholders in the Company may call a general meeting of the Company at any convenient place in Rockingham, and proceed to elect three Directors, requiring a majority of the votes present to make a choice, and the Directors thus chosen shall from among themselves choose a President, provided that a majority of the stock be represented in said meeting, and annually thereafter the stockholders shall meet in Rockingham, at such place as the Board of Directors shall designate, for the purpose of electing three Directors, which Directors, thus chosen by a majority of votes present, shall appoint one of their number President; the Directors having appointed a President, the President and the other Directors shall be termed the Board of Directors, which Board of Directors shall appoint the other officers who may be required, and make such rules, regulations and by-laws for the same as may be deemed necessary, and manage the business of the concern for one year: *Provided always*, That a majority of the stock shall be represented at such meeting, and the Board of Directors shall be considered in office until other Directors are chosen. A majority of the Board of Directors shall be capable of transacting business, and in case of the absence of the President, appoint a President *pro tem*.

Who may call general meeting.

Board of Directors

Proviso.

SEC. 4. That the Board of Directors may at any time call a general meeting of the stockholders, and the stockholders, or as many of them as hold or represent one-fourth of the whole, may at any time call a general meeting of the stockholders, and at such meeting, a majority of the votes thereto agreeing, all officers and Directors of the Company may be removed and others appointed in their stead, and such general meeting may, if necessary, do and perform whatever may be done and performed at the annual meeting of the stockholders in furtherance of the general welfare of the corporation.

Appointment of officers.

Capital stock.

SEC. 5. That the capital stock of said corporation shall consist of two hundred and fifty shares, of one hundred dollars each, and that the stockholders may have power to increase said capital stock to seven hundred and fifty shares whenever the business of said corporation may require it, the necessity of such increase of stock and the amount to be determined by a general meeting of the stockholders, a majority of the capital already subscribed being represented in said general meeting.

Stock to be deemed personal estate.

SEC. 6. That the stock of said Company shall be deemed and taken as personal estate, and be transferred in such manner as the Board of Directors may from time to time point out.

Power to contract, &c.

SEC. 7. That the said corporation, through their Board of Directors, may make contracts or become bound by instruments, security or agreement in writing, signed by the President, or any other person duly authorized by him, but the legal estate in the lands, tenements and hereditaments claimed by the Company shall pass to the purchaser only by deed under the corporate seal of the corporation and the signature of the President.

Process, how served.

SEC. 8. That any legal process against the corporation may be served on the President, and in case he is not in the State, or avoids service, the service of the same on any of the Directors shall be deemed sufficient.

Chairman.

SEC. 9. That the stockholders at the general meeting shall appoint a Chairman, who shall preside for the time being; the meeting shall keep a fair record of their proceedings upon all questions. Each stockholder shall be entitled to one vote for each share by him held, and may vote in person or by proxy, in such manner as shall be from time to time prescribed by the Board of Directors. It shall require stockholders representing a majority of the stock to form a general meeting.

Votes.

President to convene Board of Directors.

SEC. 10. That the President shall convene the Board of Directors, whenever he may deem it necessary, or whenever two of the Directors may require him to do so, and that all

transactions in meetings of the Board of Directors shall be determined by a majority vote.

SEC. 11. That the Board of Directors shall, when deemed expedient, declare semi-annually dividends of the net profits of the Company. Dividends.

SEC. 12. That the corporation shall have the privilege of joining the dam of their mills and factories to the land on the opposite side of the creek, a fair compensation to be paid by the corporation therefor. Privilege.

SEC. 13. That this act shall take effect from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCIV.

AN ACT TO INCORPORATE THE TOWN OF DURHAM, IN THE COUNTY OF ORANGE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Durham, in the County of Orange, be and the same is hereby incorporated by the name and style of "The Town of Durham," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code: *Provided*, That any male citizen residing within the proposed corporation shall be entitled to all the privileges contained in an act to provide for the holding of municipal elections in North Carolina, ratified the sixteenth day of December, eighteen hundred and sixty-eight.

SEC. 2. That the corporate limits of said Town shall extend one-half mile in all directions from the warehouse of the North Carolina Rail Road, in said Town. Body corporate.

SEC. 3. That this act shall be in force from its ratification. Proviso.

Ratified the 10th day of April, A. D. 1869. Limits.

Town was first incorporated
 Dec. 22, 1866
 Ch. 25 -
 Private Act
 1866

CHAPTER XCV.

AN ACT TO INCORPORATE THE FAYETTEVILLE CO-OPERATIVE
LAND AND BUILDING ASSOCIATION.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That James C. McRae, T. A. Byrnes, A. J. Henderson, M. N. Leary, Jr., D. A. Bryant, John W. Frey, Edward L. Pemberton, John S. Leary, William Bryant, William M. L. McRay, James R. Lee, John Reilly, James Boreman, Frank Wiliston, Alfred Leonard, Robert Simons, Peter Turner, Nicholas Brown, and their associates, successors and assigns, shall be and they are hereby created and constituted a body corporate and politic, by the name of the Fayetteville Co-operative Land and Building Association, with a capital stock of two hundred thousand dollars, to be divided into shares of two hundred dollars each.

Power to buy and
sell, &c.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, erect and purchase buildings, and to make and enforce such by-laws and rules, not contrary to law, as may be necessary and convenient for its regulation and business, may have continual succession and a common seal, and shall be capable of suing and being sued, of pleading and impleading, of defending and being defended in every manner of action, suits, complaints, matters and causes whatsoever.

Officers, when
elected.

SEC. 3. The stockholders in said corporation shall annually elect a President, Vice President, Secretary and Treasurer, who shall constitute the Board of Directors and exercise the co-operate powers thereof.

Books of subscrip-
tion.

SEC. 4. The said corporators shall open books and receive subscriptions at the Town of Fayetteville, and may commence business whenever one hundred shares have been subscribed for and an installment of one dollar have been paid in on each. The subscribers shall pay to said corporation the sum of one dollar per month for each share of

stock until the amount paid shall, with interest at six per centum per annum, amount to the sum of two hundred dollars, at any time after the said amount shall have been paid in, the Board of Directors of said Corporation shall have power to wind up the business thereof, and thereupon the assets of said Company shall be ratably divided among its stockholders. Whenever any subscription to the stock of said Corporation shall be made after it shall have commenced business it shall be lawful for said Directors to require such subscriber to pay at the time of such subscription or thereafter, a sufficient sum to make his payment upon his stock equal to the payments and premiums of the original members, with interest; or such Directors may allow, within a year after the commencement, such subscriber to pay only the sum of one dollar per month from the date of his subscription: *Provided*, That in such cases, upon the final settlement of the affairs of the Corporation, such subscriber shall receive a sum which shall bear the same proportion to the shares of the original subscribers as the amount paid by him and interest thereon shall bear to the amount and interest thereon paid by them.

Proviso.

SEC. 5. It shall be lawful for the Directors of such Corporation to loan money to the stockholders thereof to an amount not exceeding the par value of their stock, and in case different stockholders shall compete for a loan of money therefrom, it shall be lawful for such Directors to receive bids from such stockholders, and they shall award the loan to the bidder offering to give his note in hand for the amount proposed to be loaned for the smallest sum; such note in hand given shall bear legal interest and be charged against such subscriber in the final settlement of the affairs of said Corporation.

Loans, &c.

SEC. 6. That the Board of Directors may invest and employ the funds of the Corporation in such way and man-

Funds, &c.

ner as they may judge the interest of the Corporation may require.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCVI.

AN ACT TO INCORPORATE THE WAKE COUNTY CO-OPERATIVE BUSINESS COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following named persons, viz: S. S. Ashley, J. Brinton Smith, James H. Harris, Rufus Harrison, Robert Lucas, Benj. Rhodes, G. W. Brodie, Alexis Long, Wm. Warrick and Geo. Hill, their associates, successors and assigns, are hereby constituted a corporation and body politic, under the name and title of the Wake County Co-operative Business Company.

Power to buy, sell, &c.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things on such terms and such securities, real or personal, as may be agreed on, to grow and sell fruits and vegetable products, to engage in species of agriculture, or manufacturing enterprise, and to buy and sell goods, wares and merchandise, and to take measures for carrying out any purposes connected with the business of said Company.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of five dollars each.

When to commence business.

SEC. 4. The said corporation shall have power to commence business when one hundred shares of stock shall have been taken up and paid in.

SEC. 5. The officers of said corporation shall be a President, Vice President, Secretary and Treasurer, who shall be elected by the stockholders, and shall continue in office until their successors are chosen, and who shall constitute a Board of Directors for the management of the said corporation, under such restrictions and laws as the stockholders may enact.

Officers.

SEC. 6. The stockholders of said Company shall make such constitution and by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the State or of the United States.

By-laws, &c.

SEC. 7. The said corporation shall have the powers and privileges granted by the general law of corporations, or which shall be hereafter granted.

Powers and privileges of Company.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCVII.

AN ACT TO INCORPORATE THE OLD NORTH STATE INSURANCE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Daniel G. Fowle, Tod R. Caldwell, George W. Mordecai, Richmond M. Pearson, W. B. Rodman, Bartholomew F. Moore, C. S. Winstead, Thomas Bragg, Thomas Settle, David A. Barnes, Alfred Williams, Wm. E. Anderson, John G. Williams, J. R. Williams, Charles B. Root, R. C. Badger, Robert G. Lewis, Jonathan Worth, W. W. Peebles, Joseph B. Bachelor, John B. Cook, G. Z. French, L. G. Estes, Victor C. Barringer, L. A. Mason, Danl. M. Barringer, P. A. Wilson, Edwin G. Reade, I. G. Lash, Rufus Y. McAden, H. W. Fries, J. W. Osborne, R.

Body corporate.

P. Dick and F. G. Martindale, and all other persons who shall hereafter become stockholders in the Company incorporated and hereby created a body politic and corporate, by the name and style of the Old North State Insurance Company, for the purpose of carrying on the business of insurance on lives, and to make all and every insurance appertaining thereto or connected therewith, and shall and may have succession for the term of ninety-nine years, and shall be capable of contracting and being contracted with, and of suing and being sued, and they and their successors shall and may have a common seal, and may change the same at pleasure, and may issue such by-laws for the government of the same as the majority of the stockholders may think proper.

Capital stock.

SEC. 2. That the capital stock of said Company shall consist of not less than one thousand shares of stock of the value of one hundred dollars each, being one hundred thousand dollars, and not more than ten thousand shares of stock of the value of one hundred dollars each, being one million dollars.

Subscriptions.

SEC. 3. And the corporators, or two or more of them, named in the first section of this act, shall have power to receive subscriptions to the stock of the Company at such times and places as they may deem expedient, and when stock to the amount of one thousand shares shall have been subscribed and twenty per centum thereon shall have been paid in, which payment shall be required at the time of subscribing, the stockholders shall elect twelve Directors to serve until the next annual election, or until their successors shall have been duly elected and qualified, and the Company shall thereupon be duly organized.

When unpaid stock may be required.

SEC. 4. Upon commencing active business, the Directors shall have power to require payment of the amount remaining unpaid on the stock of the Company at such time and in such proportions as they may think proper.

Policy not liable.

SEC. 5. That any policy taken out in favor of a wife, child, relative, or other person having a beneficial interest

in the life of the insurer, shall not be liable to seizure by the creditors of the person so insured: *Provided*, That the policy does not exceed the sum of ten thousand dollars. Proviso.

SEC. 6. That it shall be lawful for the said corporation to purchase, hold or convey real and personal estate.

SEC. 7. That the Company shall have power to invest the capital stock and accumulated profits or surplus funds in such securities and such manner as they elect; but the stockholders of this Company shall not be liable for any loss, damage or responsibility beyond the amount of stock subscribed by them respectively, and any profit accruing therefrom and undivided. Power to invest capital stock.

SEC. 8. That for the better security of the policy-holders, the said Company shall deposit with the Treasurer of the State, and there keep on deposit, bonds of the State to the amount of forty thousand dollars, which shall be held in trust by him for the benefit of the policy-holders of said Company; and in case any policy-holder shall be unable to collect of said Company any loss which he may have met with while holding any policy in said Company, the said Treasurer shall pay to said policy-holder any sum which said policy-holder may recover in any Court of competent jurisdiction, and in case the said Treasurer shall have to pay out any such sum or sums, then said Company shall immediately replace such amount in the hands of said Treasurer, so that there shall never be less than forty thousand dollars in his hands; and the said Company may have subscribed and guaranteed stock to the amount of five hundred thousand dollars, and at least of that amount one hundred thousand dollars shall have been subscribed before the said Company commences business; and the whole of such stock, together with said deposit, shall be liable for the losses of said Company, whenever the cash premiums and premium notes are insufficient to pay the same; and the holders of said stock shall be entitled to representation in the election of Directors in the rates of one vote for every one hundred Bonds deposited in State Treasury.

dollars. Scrip certificates may be issued for such stock transferable only on the books of the Company.

How construed.

SEC. 9. That nothing herein contained shall be so construed as to prevent this Company from receiving any of the benefits of, or from complying with any general insurance law that may hereafter be enacted.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCVIII.

AN ACT TO CHARTER THE BANK OF GREENSBORO'.

Charter

SECTION 1. *The General Assembly of North Carolina do enact*, That a Bank be established in the Town of Greensboro', County of Guilford, State of North Carolina, to be styled "The Bank of Greensboro'," the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and for receiving subscription to said stock, books shall be opened at Greensboro', on the second Monday in March, eighteen hundred and sixty-nine, under the supervision, as Commissioners, of Jesse H. Lindsay, Julius A. Gray and Eugene Morehead, and when three hundred shares shall have been subscribed and the money paid the stockholders may meet, at a time and place they may appoint, and elect three Directors, who shall serve one year, and until their successors shall be elected and enter upon the discharge of their duties, and said Directors shall elect one of their number to be President during their term of office.

Capital stock.

Supervisors.

By-laws, &c.

SEC. 2. Said President and Directors shall and may adopt and use a common seal, and alter the same at pleasure, may make and adopt proper and necessary by-laws for their

government, may appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof; said bank shall have a lien on the stock for debts due it by the stockholders before, and in preference to other creditors of the same dignity, except for taxes, and shall pay to the State an annual tax on each share of one hundred dollars, a sum equal to that charged by the State on other property of the same value.

Lien on stock.

SEC. 3. That said Bank may discount notes and other evidences of debt, receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin and bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real or personal estate and property as may be conveyed to secure debts, and may sell and convey the same. It may receive on deposit any and all sums of money, on terms to be agreed upon by the officers and depositors. Minors, apprentices, and *feme covert*s may deposit therein and control the deposit so made, for their own separate use, free from all other control or contract whatever, and may receive on deposit, monies held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rate of interest as may be agreed upon by the officers of the Bank, and depositors, not to exceed the legal interest, which certificates shall be assignable and transferable, under such regulations as may be prescribed by the President and Directors, and all certificates, or evidences of deposit, signed by the proper officers of the Bank, shall be as binding as if under the seal of the Bank.

Discount notes,
&c.

SEC. 4. The President and Directors shall annually appoint the time and place of holding the election for their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote.

Elections.

SEC. 5. This act shall be in force and effect from and after the date of its passage.

Ratified the 10th day of April, A. D. 1869.

CHAPTER XCIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RENEW THE CHARTER OF THE RICHMOND MANUFACTURING COMPANY," PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That Walter F. Leak, J. W. Leak, J. W. Scales, Paul C. Cameron, and A. J. DeRossett, and their associates, be and they are hereby created a body politic and corporate, for the purpose of carrying on the business of manufacturing cotton and woolen fabrics, in the County of Richmond, under the name and style of the "Great Falls Manufacturing Company," with a capital of two hundred thousand dollars, in shares of one hundred dollars each.

Books of subscription.

SEC. That for the purpose of raising the said capital stock, books of subscription may be opened at such times and places, and under the direction of such person or persons, as any three of the persons above named shall direct, and as soon as twenty-five thousand dollars of said stock shall have been subscribed, the said Company may go into operation.

Majority may close books and adopt regulations, &c.

SEC. 3. That the said corporation, or a majority of them, shall be at liberty to close the books of subscription whenever they may think proper, and to adopt all such rules and regulations with regard to the payment of the subscriptions to said stock as they may think proper.

Privileges.

SEC. 4. The said corporation shall be entitled to all the privileges and immunities, and subject to all the provisions of an act of the General Assembly, passed Anno Domini, eighteen hundred and thirty-three, chapter sixty three, entitled an act to incorporate the Richmond Manufacturing Company, except the provisions contained in the fifteenth section of said act: *Provided however*, That the Company hereby incorporated, shall be independent of, and separate

and distinct from, the said Richmond Manufacturing Company, and shall not be liable for any debts, contracts or liabilities, contracted by said Richmond Manufacturing Company.

SEC. 5. That this act shall be in force from and after its ratification, and shall continue in force for fifty years there-
after.

Fifty years.

Ratified the 10th day of April, A. D. 1869.

CHAPTER C.

AN ACT TO INCORPORATE THE TOWN OF LAGRANGE, IN THE COUNTY OF LENOIR.

SECTION 1. *The General Assembly of North Carolina do enact*, That the village now known by the name of Mosely Hall and Rambertsville, in Lenoir County, be and the same are incorporated by the name and style of LaGrange, and be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Body corporate.

SEC. 2. That the corporate limits of said Town shall be as follows: Beginning at a point seventy yards west of Spring Hill road, and four hundred yards south of the Atlantic and North Carolina Rail Road, thence north twenty-three and three-quarters west, one thousand yards to a post, thence south sixty-eight and three-quarters east, sixteen hundred yards to a post, thence south twenty-three and a half west, one thousand yards to a post, thence north sixty-eight and three-quarters west, sixteen hundred and sixty yards to the commencing point, situated seventy yards west of Spring Hill road, and four hundred yards south of the Atlantic and North Carolina Rail Road.

Limits.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CI.

AN ACT TO CHARTER THE BANK OF ASHVILLE, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That a Bank be established in the Town of Ashville, North Carolina, to be styled "The Bank of Asheville, North Carolina," the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and for receiving subscriptions to said stock, books shall be opened at Asheville on the second Monday in February, eighteen hundred and sixty-nine, under the supervision of Commissioners of W. D. Rankin, W. G. Candler, Thomas D. Johnson and E. J. Aston, and in the City of Raleigh, at the Raleigh National Bank, at the same time, under the supervision of Charles Dewey and A. S. Merrimon, and when two hundred shares shall have been subscribed and the money paid, the stockholders may meet at a time and place they may appoint, and elect three or five Directors, at their option, who shall serve one year, and until their successors shall be elected, and enter upon the discharge of their duties, and said Directors shall elect one of their number to be President during their term of office.

Manner of paying
for stock.

SEC. 2. Said President and Directors shall and may adopt and use a common seal and alter the same at pleasure, may make and adopt proper and necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof. Said Bank shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity except for taxes.

Discount notes,
&c.

SEC. 3. That said Bank may discount notes and other evidences of debt, receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin and

bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real or personal estate and property as may be conveyed to secure debts, and may sell and convey the same. It may receive on deposit any and all sums of money on terms to be agreed upon by the officers and depositors. Deposits. Minors, apprentices and *femes covertis* may deposit therein and control the deposit so made for their own separate use free from all other control or contract whatever, and may receive on deposit monies held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rate of interest as may be agreed upon by the officers of the Bank and depositors, not to exceed the legal interest, which certificates shall be assignable and transferable under such regulations as may be prescribed by the President and Directors, and all certificates or evidences of deposit, signed by the proper officers of the Bank shall be as binding as if under the seal of the Bank.

SEC. 4. The President and Directors shall annually appoint the time and place for holding the election for their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote. Place for holding annual election.

SEC. 5. This act shall be in force and effect from the date of its passage.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CII.

AN ACT TO INCORPORATE THE BANK OF MECKLENBURG.

SECTION 1. *The General Assembly of North Carolina do enact*, A Bank is hereby established, the capital stock whereof shall not exceed five hundred thousand dollars, Body corporate. Capital stock.

Location. divided into shares of one hundred dollars each, which shall be known and styled "The Bank of Mecklenburg," to be located in the City of Charlotte, and the stockholders therein, their successors and assigns, shall be a body politic and corporate, and shall so continue for thirty years, with capacity to possess and hold real and personal estate, and with all powers and privileges granted to any banking institution by this or any preceding Legislature, said corporation to be organized whenever at least fifty thousand dollars shall be subscribed to the capital stock and paid in.

Commissioners. SEC. 2. James W. Osborne, Thomas W. Dewey, William Sloan, George W. Swepson, are appointed Commissioners, whose duty it shall be to open books of subscription to said capital stock at such times and for such period as they shall determine, and said Commissioners, or the Directors of the Bank, may re-open said books at their discretion, as long as the capital stock shall not be wholly taken. A majority of said Commissioners shall be a quorum to do business.

Call meeting, &c. SEC. 3. Whenever fifty thousand dollars at least shall be subscribed and paid in to the capital stock of said Bank, the said Commissioners, or a majority of them, shall call a meeting of stockholders, at such time and place, and on such notice as they may choose, and the stockholders shall elect such Directors as they may think proper, who shall hold office for one year, and until their successors shall be appointed; and said Directors shall choose a President to serve during their continuance in office.

By-laws, &c. SEC. 4. The President and Directors of the Bank may adopt and use a common seal, and alter the same at pleasure, may make and adopt all necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation, and take security for the faithful discharge of their duties, prescribe the manner of paying for stock, and the transfer thereof; may do a general banking business, on such terms and rates of interest as may be agreed on, and in general have the privileges conferred on corporations by the general laws of the State relating to

corporations; the Bank shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity, and shall pay to the State an annual tax, in lieu of all other taxes on each share of stock therein, a sum equal to that charged by the State on other property of the same value, said tax to be paid to the Public Treasurer during the month of July in each year.

Annual tax.

SEC. 5. The said Bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public or other securities, may purchase and hold real estate for the transaction of the business, and at pleasure sell or exchange the same, may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the Bank, and may sell and convey the same, and may discount notes and other evidences of debt, and lend money on such terms as may be agreed on. It may receive on deposit moneys on terms to be agreed on between the officers and depositors; minors, apprentices and *feme covert*s may deposit therein, and control the deposit so made for their own separate use, free from all other control or contract whatever. The bank may receive on deposit moneys held in trust by administrators, executors, guardians, or others, and issue certificates therefor, bearing such rate of interest as may be agreed on between the parties, which certificate may be assignable and transferable under such regulations as may be prescribed by the President and Directors, and all certificates and evidences of deposit, signed by the proper officers of the Bank, shall be as binding as if under the seal of the Bank.

May deal in silver coin, &c.

Deposits.

SEC. 6. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the Bank, either by motion to the Court of the County where the delinquent may reside, upon giving him ten days notice of the motion, or by civil action,

Failure, &c.

or the entire stock may be sold by order of the Directors, for cash, at the banking house in Charlotte, after advertisement of sale for twenty days in a newspaper published in the City, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscribers shall be liable for the deficiency in civil action.

Stock assigned. SEC. 7. If any subscriber shall assign his stock before its full payment, he and his assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally, by motion as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the Bank as well in respect to the remedy for recovering the same, as in the distribution of the assets of any deceased subscriber.

Agencies. SEC. 8. Agencies of the Bank may be established at such times and places as the President and Directors may designate, and such agencies may be removed at any time, shall be subject to such rules and regulations as may be prescribed by the President and Directors of the Bank.

Power and authority of President and Board of Directors. SEC. 9. The President and Directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the Corporation, shall have power to prescribe the rules for the conduct of the Bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the Bank, and they shall direct when dividends of profits shall be made. They may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days notice in a newspaper published in Charlotte. At all meetings stockholders may be represented

by proxy, each one hundred dollar share being entitled to one vote.

SEC. 10. This act shall be in force from its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CIII.

AN ACT TO INCORPORATE THE PEOPLE'S GASLIGHT COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful to open books in the City of Wilmington, under the direction of L. G. Estes, Fred. F. French, Allan Rutherford, Charles E. Taylor, Robert H. Cowan, E. E. Burress, and Henry S. Sevoss, or any three or more of them, and at such other places, either in this State or elsewhere, which may be designated by any three or more of the aforesaid Commissioners at Wilmington, for the purpose of receiving subscriptions to an amount not exceeding one hundred and fifty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock, for the purpose of manufacturing and selling gas for lighting the City of Wilmington and its vicinities; the time and place of receiving such subscriptions shall be published in one or more of the newspapers of the City of Wilmington, and the books when opened may be kept open as long as the Commissioners aforesaid, or a majority of them, may determine, but the same shall not be closed within twenty days after they have been opened, and so soon as the Commissioners aforesaid, or a majority of them, shall ascertain that the sum of twenty thousand dollars has been subscribed, it shall be their duty to call a meeting of the subscribers at such time and place as they may designate, by advertisement in one or more of the newspapers published in Wilmington, at least ten days before the time appointed for

Open books, &c.

Capital stock.

such meetings, and the power to re-open said books, after such meeting of the first subscribers, shall be vested in the stockholders of said Company, or the President and Directors whom they shall appoint as hereinafter provided.

Body corporate.

SEC. 2. That when twenty thousand dollars shall have been subscribed for in the manner aforesaid, such subscribers, their executors, administrators or assigns shall be, and they are hereby declared to be incorporated into a body politic, by the name and style of "The People's Gaslight Company," and in that name may sue and be sued, plead and be impleaded, shall have perpetual succession, and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law, and may make all such rules, by-laws and regulations not inconsistent with the Constitution of the United States and this State, as shall be deemed necessary or judicious, for the well ordering and conducting the affairs of said Company.

Amount paid at time of subscribing.

SEC. 3. That upon any subscription for stock in said Company, there shall be paid five dollars on each share at the time of subscribing, which payment shall be made to the Commissioners receiving said subscriptions, and the residue thereof shall be paid in such instalments, and at such times as the President and Directors of said Company may require, and the moneys received by the Commissioners shall be paid over to the Treasurer of the said Company so soon as one shall have been appointed, and upon their failure to do so, after demand on behalf of said Company, the same may be recovered from such defaulting Commissioner or Commissioners, in the name of the Company before any Court having jurisdiction.

Money to be paid over to Treasurer.

President and Directors, when elected.

SEC. 4. That at the general meeting of the proprietors of the stock, called by the Commissioners as before directed, and at every annual meeting thereafter, the stockholders shall elect from themselves five directors, who shall continue in office, unless sooner removed, until the next annual meeting of the stockholders and until their successors shall be elected; and the said Directors, as chosen, shall elect one

of their body President of said Company, who shall receive such compensation for his services as may be fixed by the stockholders in general meeting assembled; the President, with three or more of the Directors, shall constitute a Board for the transaction of any business, and if the office of President, or if the office of Director become vacant, the Directors may elect one of the stockholders a Director. Any may fill the vacancy in the office of President as before authorized; and, if the President shall at any time be absent, the Directors may elect some other member of their body to act as President during the absence of the President first chosen.

SEC. 5. That if any stockholder shall fail to pay any instalment on the stock subscribed for by him, or on any stock standing on the books of said Company in his name, within one month after such installment has been required, and within one month after the same has been advertised in some one of the newspapers published in Wilmington; the Treasurer of said Company may, by order of the Board of Directors thereof, sell by public auction, a sufficient number of any shares in said Company held by such defaulter, to pay all such installments then due by him, together with all necessary incidental charges; and the Treasurer shall give notice of the time and place of such sale, and of the sum then due on each share by advertising the same for two successive weeks in some newspaper published in Wilmington, and the shares so sold shall be transferred by the Treasurer to the purchaser on the books of said Company, and such purchaser shall be liable for all future installments on the stock so purchased by him.

Failure to pay installment, &c.

SEC. 6. That said corporation shall have full power and authority to manufacture, make and sell gas made of rosin, coal, oil, turpentine or any other material or substance whatsoever, at a price not to exceed three dollars and fifty cents per thousand feet, in such quantities as may be required within the City of Wilmington and its vicinity, for lighting the streets, stores, and all other places and

Power to make and sell gas, &c.

buildings there situate, and for any other purposes; to purchase and hold such lots or parcels of land in the City of Wilmington or in its vicinity, as may be necessary or convenient for the erection of all such suitable buildings or improvements as may be required in the manufacture of gas, or in the retention or distribution thereof, to erect on such lots or parcels of land all such buildings, or make thereon all such improvements as may be necessary or convenient for the purposes aforesaid; to lay pipes or other conductors for conveying gas through, upon, over or under any or all of the streets, alleys or public lots or squares in the City of Wilmington, provided such streets, alleys, public lots or squares shall be left in as good condition as they were in at the time of laying such pipes or other conductors; also to hold such personal property, of any nature or kind whatsoever, which may be necessary for the convenience of said Company in carrying on the business aforesaid; and also, from time to time to repair, reconstruct, maintain and preserve all such works, fixtures, machines, or other property held by them, as may be necessary for conducting the business of said Company.

Annual meetings. SEC. 7. That there shall be annual meetings of the stockholders of said Company, at such times and places as the preceding general meeting shall have appointed, and the stockholders may be represented at such general meeting, or at any called general meeting by proxy, under such rules as the by-laws may prescribe: at all such general meetings every stockholder shall be entitled to one vote for every share of stock held or represented by him, and no person shall be authorized to act under a proxy from a stockholder, unless he be a stockholder himself.

Power to contract, &c. SEC. 8. That the President and Directors of said Company shall have power to make contracts with any person or persons, on behalf of the Company for doing or performing any work, or for any material matter or thing whatsoever, connected with the business, or the general affairs of said Company. They may appoint a Treasurer, Secretary

and other officers, and take from them bonds and security for the faithful performance of their respective duties, which bonds shall be payable to the Company, but the salaries or other compensation of the officers may be regulated by the stockholders in general meeting assembled.

SEC. 9. That if any person or persons shall negligently or wilfully, by any means whatever, injure, impair, or destroy any conduct pipe, cock, machine, building or structure whatsoever, or any thing appertaining to the works of said Company, the person or persons so offending shall forfeit and pay to said Company double the amount of the damages sustained by such injury, and the same may be recovered in the name of said Company, with costs of suit, in any Court of Record, in the County of New Hanover, and shall moreover be subject to indictment in either of said Courts for misdemeanor, and upon conviction shall be fined or imprisoned, according to the nature of the offence, at the discretion of the Court.

Penalty for injuring pipes, &c.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CIV.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN,
AND TO AUTHORIZE AN ISSUE OF BONDS BY THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That the office of Councilmen of the City of Newbern be and the same is hereby abolished.

Abolished.

SEC. 2. That the corporate powers of said City shall hereafter vest in the Mayor and ten Aldermen.

Power to vest in Mayor and Aldermen.

SEC. 3. That said Aldermen shall be elected at an election to be held on the first day of May, Anno Domini, eighteen

Elections.

hundred and sixty-nine, as follows, viz: One by the qualified voters of each ward, and three by the qualified voters of the City of Newbern. The Aldermen thus elected shall hold office until the first Monday in January, Anno Domini, eighteen hundred and seventy, or until their successors are duly elected.

Bonds.

SEC. 4. That it shall and may be lawful for the City of Newbern to issue coupon bonds of said City, of said denominations, and payable at such time or times, and drawing interest at such rate, not exceeding eight per centum per annum, as the corporate authorities of said City may prescribe: *Provided*, That such bonds shall not exceed ten thousand dollars: *And provided further*, That the bonds hereby authorized to be issued, shall be applied exclusively to funding the floating debt of said City, contracted after the first day of January, Anno Domini, eighteen hundred and sixty-six, and before the first day of January, Anno Domini, eighteen hundred and sixty nine.

Proviso.

Bonds under corporate seal.

SEC. 5. That the said bonds shall be under the corporate seal of said City, signed by the Mayor thereof and attested by the City Clerk.

Power to levy taxes, &c.

SEC. 6. That the corporate authorities of said City shall have full power and authority to levy taxes from time to time to meet the payment of the principal and coupons of said bonds, as the same shall respectively become due.

Submitted to qualified voters.

SEC. 7. That the provisions contained in sections one, two and three of this act, shall be submitted to the qualified voters of said City, at an election to be held in the respective wards thereof, on the second Monday after the ratification of this act. Those approving the provisions of said sections one, two and three, shall deposit in the ballot-box a ballot with the words "Amendment Approved;" those disapproving the provisions of said sections, shall deposit in the ballot-box a ballot with the words "Amendment not Approved." If a majority of said voters shall vote "Amendment Approved," it shall be deemed and held that a majority of the qualified voters in said City have approved

of such amendment, and said sections one, two and three shall take effect from and after such approval. If a majority of said voters shall vote "Amendment not Approved," then it shall be deemed and held that a majority of the qualified voters in said City have not approved of such amendment, and said sections one, two and three shall be of no force or effect.

SEC. 8. That the provisions contained in sections four, five and six of this act shall be submitted to the qualified voters of said City at the election provided for in section seven of this act. Those approving the provisions of said sections four, five and six, shall deposit in the ballot-box a ballot containing the words, "Issue of bonds approved;" those disapproving the provisions of said sections four, five and six, shall deposit in the ballot-box a ballot containing the words "Issue of bonds not approved," it shall be deemed and held that a majority of the qualified voters of said City have approved of said sections authorizing an issue of bonds and the levying of taxes to meet the payment of the principal and interest of said bonds as the same shall respectively become due. If a majority of said voters shall vote "Issue of bonds not approved," then said sections four, five and six shall be of no effect.

Provisions to be submitted to voters.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CV.

AN ACT TO INCORPORATE THE CAPE FEAR INSURANCE COMPANY OF WILMINGTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact,* That Joseph C. Abbott, Robert H. Cowan, D. D.

Body corporate.

Willard, Geo. Z. French, Donald MacRae, Fred. F. French, F. W. Kuehner, George R. French. John E. Lipyett, L. G. Estes, E. E. Burrus and Dubrutz Cutlar, and all other persons who may hereafter be associated with them in the name and style of the Cape Fear Insurance Company of Wilmington, North Carolina, are hereby constituted a body politic and corporate, to exist and have succession for the period of ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any Court of Record or Law, or other places whatsoever, and may have a common seal, and may at any time hereafter break and renew or change the same at will, and may make, establish and put in execution such by-laws, rules and ordinances and resolutions, not contrary to the laws of the United States or of the State of North Carolina, as may be deemed necessary or expedient in the management of their affairs and do all such acts as may be necessary to carry into effect the provisions and object of this act.

Capital stock.

That the capital stock of the said corporation shall be one hundred thousand dollars with full power and authority to increase the same from time to time as may be deemed expedient by the stockholders, to the maximum of three hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be payable by each subscriber in the manner and form prescribed by the President and Directors of said corporation.

Affairs, how managed.

SEC. 3. That the affairs of said corporation shall be managed and governed by a President and five Directors, who shall be stockholders in the Company and residents of this State, and shall be elected at the regular annual meeting of the stockholders, and shall hold their office for one year and until others shall be chosen to supply their places. The President, with three members of the Board of Directors, shall constitute a quorum for the transaction of business. Said Board shall have power to fill vacancies created by death, resignation or otherwise.

SEC. 4. That the Board of Directors shall have full power to invest the capital paid in and all moneys coming into the possession of the Company in real estate or personal estate, bonds, mortgages, gold, silver, bullion, stocks or securities of any description, and have power to sell and convey the same or change the character of investment from time to time as the interest of the Company may require.

Power to invest capital.

SEC. 5. That this Company may issue policies of insurance duly signed by its President and Secretary, and impressed with the seal of the Company, against loss or damage by fire on buildings, merchandise and property of any kind, and may charge and receive such premiums therefor as may be agreed upon by this Company and the parties assured.

Power to issue policies.

SEC. 6. That the stockholders of said corporation shall not be liable for any loss or damage or responsibility in their persons or property, other than the property they have in the capital stock or funds of the said corporation, to the amount of shares respectively held by them, and any profit arising therefrom not divided.

Stockholders not liable to damage, &c.

SEC. 7. That the above named persons are duly authorized, so soon as the capital stock shall have been subscribed to the amount of one hundred thousand dollars and twenty per centum of the same be paid into their hands, call a meeting of the said subscribers, who shall elect from their number a President and five Directors to serve until the first annual meeting, and have power to commence the business operations of the said Company.

When to commence business.

SEC. 8. That for the better security of the policy-holders the said Company shall deposit with the Treasurer of the State, and there keep on deposit, bonds of the State to the amount of forty thousand dollars, which shall be held in trust by him for the benefit of the policy-holders of said Company, and in case any policy-holder shall be unable to collect of said Company any loss which he may have met with while holding any policy in said Company, the said Treasurer shall pay to said policy-holder any sum which said policy-holder may recover in any Court of competent

Company to deposit with Treasurer.

jurisdiction, and in case the said Treasurer shall so have to pay out any such sum or sums, then said Company shall immediately replace such amount in the hands of said Treasurer, so that there shall never be less than forty thousand dollars in his hands.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CVI.

AN ACT TO RELIEVE JOHN J. FOLEY, SHERIFF OF PITT.

Preamb

WHEREAS, The late Public Treasurer duly notified the Chairman of the County Court of Pleas and Quarter Sessions of Pitt County to levy taxes sufficient to raise the sum of seven hundred and fifteen dollars and twenty cents, for the year eighteen hundred and sixty-seven, for the support of the indigent insane, but said tax was never levied; and whereas the said amount is now charged against J. J. Foley, Sheriff of said County, together with the further sum of one hundred and fifty dollars for the deaf, dumb and blind, imposed upon said County for the year eighteen hundred and sixty seven, but never levied by said Court, therefore,

Commissioners to
levy tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of said County shall levy said tax to be collected with the tax list of eighteen hundred and sixty-nine.

Released.

SEC. 2. That J. J. Foley, Sheriff of said County, be relieved of said taxes and also of an amercement of one thousand dollars, imposed upon him at the fall term of the Superior Court of Wake County, upon his settling in full his other State taxes with the State Treasurer. That the

Treasurer be and he hereby is authorized and empowered to receive from the said Foley the taxes of said County, less the amounts of deaf, dumb and blind and insane tax as aforesaid, and settle with him therefor.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CVII.

AN ACT TO INCORPORATE THE NORTH CAROLINA IRON, STEEL AND METALLURGICAL COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph Weisman, Amasa W. Stevens, Benjamin D. Morrill, Willie D. Jones and Charles H. Hamilton, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of the North Carolina Iron, Steel and Metallurgical Company, for the purpose of manufacturing iron and steel, also for the reduction of ores, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any Court of Law or Equity whatever in all suits and actions, may have a common seal and the same alter at pleasure, and may enjoy all the privileges and powers incident to mining and smelting corporations, and may also hold, purchase and convey any real and personal property and estate as capital stock, to the amount of one-half million dollars, with the privileges of increasing to one million dollars.

Body corporate.

Capital stock.

SEC. 2. That the said corporation may divide their stock into such number of shares, and may provide for the sale and transfer thereof, in such manner and form as said corporators shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, and may

Stock divided.

make, alter and repeal such by-laws and regulations as said corporation shall deem necessary, not repugnant to the laws of this State and of the United States.

Directors to manage affairs, &c.

SEC. 3. That it shall be lawful for the said corporation to be managed by five or seven Directors, three of whom, at least, shall be residents of this State, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and shall exercise all such rights as by this act are conferred and granted, but the stockholders shall have the right to elect said Directors annually.

Who shall manage till others are appointed.

SEC. 4. That the aforesaid Joseph Weisman, Amasa W. Stevens, Benjamin D. Morrill, Willie D. Jones and Charles H. Hamilton shall manage the affairs of said corporation as Directors until others are elected or appointed.

SEC. 5. That this corporation shall exist for thirty years, and that this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CVIII.

AN ACT TO INCORPORATE THE MCLEAN HOOK AND LADDER COMPANY NUMBER ONE, OF THE TOWN OF FAYETTEVILLE.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. A. McKethan, Jr., R. C. Gorham, W. E. Kyle, J. C. Williams, J. R. Johnson, G. B. Haigh, and Jordan Branch, and their associates, in number not more than forty, be and they are hereby created and declared to be a body politic and corporate, by the name and style of the "McLean Hook and Ladder Company, number one, of the Town of Fayetteville," and by that name shall and may sue and be sued, plead and be impleaded, in any and all

Courts of law, and shall have perpetual succession and a common seal, and may purchase, hold and transfer all such real and personal estate as may be necessary and convenient for the purposes of their association, and for their better government may make all necessary and proper by-laws, rules and regulations not inconsistent with the Constitution and laws of the United States and of this State, and shall have and enjoy all other rights, privileges and franchises which of right belong to bodies politic and corporate.

SEC. 2. That the officers of said corporation shall consist of one Captain, one Assistant, four Foremen to Ladders, one Secretary and one Treasurer, who shall be elected annually, and shall hold their offices until their successors are elected.

Officers.

SEC. 3. That to secure a prompt and efficient discharge of duty on the part of its members, the said corporation is hereby empowered by its by-laws, rules and regulations, to impose reasonable fines and penalties for any neglect of duty, and to provide for the collection of the same.

Fines and penalties.

SEC. 4. That the members of said corporation shall be exempt from duty in the militia and from serving on juries.

Exempt from Jury and Militia duty.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

CHAPTER CIX.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN THE TOWN OF MARION.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, give away, or dispose of any any kind of intoxicating liquors in any manner within the corporate limits of

Unlawful to sell, &c.

the Town of Marion, in the County of McDowell: *Provided, however,* That this act shall not apply to physicians, or prevent them from using or prescribing such liquors for medical purposes.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Court having jurisdiction, shall be imprisoned not exceeding six months, and fined not exceeding five hundred dollars, one-half of said fine to go to the informer, and the other half to the County.

To be submitted
to voters.

SEC. 3. That the provisions of this act shall be submitted to the qualified voters of said corporation on fourth day of May, eighteen hundred and sixty-nine, and upon the approval of the majority of said voters of the provisions of this act, it shall take effect, otherwise it shall be of no effect.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CX.

AN ACT TO INCORPORATE THE ALBEMARLE LOAN AND TRUST COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact,* That William R. Capehart, William A. Moore, Augustus M. Moore, James R. B. Hathaway, John A. Moore and Richard Dillard, and their assigns and successors, be and they are hereby constituted a corporation and body politic, and Board of Directors, by the name and style of the Albemarle Loan and Trust Company, and as such may sue and be sued, implead and be impleaded, may have and use a common seal and change the same at pleasure, make all such by-laws and regulations (not inconsistent with their charter, the laws of the State or of the United States,) as they may deem necessary to the interests

of the Company, and shall have, exercise and enjoy all the rights and privileges required to carry into effect the purpose for which it was created, that of loaning money on real estate securities or collaterals, and any such other business as may not be contrary to the laws of the State or of the United States, and such association shall be capable in law of purchasing, holding and conveying any real and personal estate which may be necessary for its business purposes.

SEC. 2. That the capital stock of said Company may be divided into such number of shares, and of such amount for each share as the said corporation may direct: *Provided*, That the capital stock shall not exceed five hundred thousand dollars, and certificates of stock therefor may be issued, in such manner as the by laws of the corporation may prescribe.

Capital stock.

SEC. 3. That the said corporation may open books of subscription for receiving stock in said Company, at such times and places as they may determine, and shall be authorized to receive subscriptions of stock in money or real estate, at such value in money as they may deem safe for the Company.

Books of subscription.

SEC. 4. That said corporation shall have power to borrow money, and issue their bonds therefor, to loan money on pledges of real estate (secured by deeds of trust or otherwise) collateral or pledges of the stock, and upon no other terms.

Power to borrow money.

SEC. 5. That whenever five thousand dollars of stock shall have been subscribed, and ten per cent. thereon paid in or received, the said Company may commence operations by electing one of their number President, and appointing such other officers for the proper management of their business as they may deem proper.

When Company to commence operation.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXI.

AN ACT TO INCORPORATE THE TOWN OF RICH SQUARE.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Rich Square, in the County of Northampton, be and the same is hereby incorporated, by the name and style of the Town of Rich Square, and be subject to all the provisions contained in chapter one hundred and eleven of the Revised Code.

Limits.

SEC. 2. That the corporate limits of said Town shall be one-half mile east, west, north and south from the Old Friends meeting house square, the said meeting house square to be the center of the chartered limits of said corporation.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXII.

AN ACT TO INCORPORATE THE WESTERN NORTH CAROLINA AGRICULTURAL FAIR ASSOCIATION.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the President, Secretary, Treasurer, and such other officers as may be found necessary, and such persons as may associate themselves together for the purpose, are hereby incorporated into a body politic, with the usual corporate powers, under the name and style of "The Western North Carolina Agricultural Fair Association."

Power to hold fair at Salisbury.

SEC. 2. That said Association shall have power to hold a Fair at Salisbury as often as once every ninety days, for

trading and agricultural purposes, and shall have power to make such by-laws, rules and regulations as they deem proper, and which are customary, for promotion of the purposes for which it is created, and for the proper government of their Fair.

SEC. 3. That it shall have power to offer prizes and premiums to those who shall exhibit the best specimens of stock, agricultural and domestic products and implements and other improvements under such regulations as may be found suitable.

Prizes.

SEC. 3. That this act shall be in force from the date of this ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TRUSTEES OF THE NORTH CAROLINA COLLEGE, RATIFIED TWENTY-FIRST DAY OF JANUARY, EIGHTEEN HUNDRED AND FIFTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of an act to incorporate the Trustees of North Carolina College, ratified the twenty-first of January, eighteen hundred and fifty-nine, be stricken out and the following is substituted therefor :

Amendment.

“That it shall not be lawful for any person or persons to set up or continue any gaming or billiard table, or any devise whatever, for playing at any game of chance or hazard, or to exhibit any slight of hand, theatrical or equestrian performance, dramatic recitation, rope or wire-dancing, or other itinerant, natural or artificial curiosities, nor shall it be lawful for any person to sell any wines, spirituous or malt liquors to any person within three miles of

said North Carolina College, except for medical purposes, nor give and convey to the students of said College any intoxicating liquors without the special permission in writing of the Faculty of said College, and any person or persons violating any of the provisions of this act shall be considered guilty of a misdemeanor and be prosecuted in any Court having cognizance thereof, and moreover, subject to a penalty of fifty dollars, to be recovered on a warrant before any Justice of the Peace, one-half to the person warranting for the same, and the other to the use of said College."

SEC. 2. This section to be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXIV.

AN ACT TO INCORPORATE THE TOWN OF MADISON, IN THE COUNTY OF ROCKINGHAM.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Madison, Rockingham County, be and the same is hereby incorporated by the name and style of the Town of Madison, and shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of the Revised Code, not inconsistent with this act.

Limits.

SEC. 2. The corporate limits of said Town shall be as follows: Beginning at the north-east corner of Water street, running thence north thirty-five poles, thence west four furlongs, thence south two furlongs and thirty-five poles, thence east four furlongs, thence north two furlongs to the beginning point at the north-east corner of Water street.

Commissioners.

SEC. 3. Until Commissioners shall be elected as herein-after provided, the government of said Town shall be vested

in the following-named Commissioners, to-wit: W. R. D. Lindsley, W. T. Black, M. Spraggins, Henry McGehee and Joseph Vaughan.

SEC. 4. An election shall be held the first Monday in January, eighteen hundred and seventy, and each successive year, for five Commissioners of said Town, and persons living within the corporate limits of said Town, and qualified to vote in said election. In every other respect said election shall be held as provided in chapter three of the Revised Code. Election.

SEC. 5. All persons within the corporate limits of said Town that are liable to work on public roads, are liable to work on the streets in the aforesaid Town and are hereby exempted from working on all other roads. Who to work on streets.

SEC. 6. For the good government of said Town, the said Commissioners and their successors in office shall have all the powers, rights and privileges, and be governed by rules, regulation and restrictions conferred upon, and to which Commissioners of incorporated Towns are subject by chapter three Revised Code. Powers, &c.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXV.

AN ACT TO INCORPORATE THE TOWN OF LEXINGTON, IN THE
COUNTY OF DAVIDSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following boundaries shall be the limits of the corporation of the Town of Lexington: Beginning at a stone, corner of the graveyard, running thence South, fifty degrees east, twenty-three chains and nineteen links, Body corporate.
Limits.

PRIV. 11.]

to a stone in C. T. Lowes' line, thence thirty and one quarter degrees west, twenty-nine chains and twenty-five links to a black oak in J. P. Maybrey's lot, thence south sixty degrees, west twelve chains and thirty-two links to a large pine, the corner of several lots of land, thence south seventy-seven degrees, west thirty-seven chains and sixty-three links to an apple tree near D. W. Picket's, thence north forty-eight degrees, west ten chains and sixty-five links to a stone, F. H. Johnston's lot, thence north fifteen degrees east, twenty-two chains and twenty-five links, passing afore and aft, white oak near F. C. Ford's spring, containing in all forty-two chains and seventy-five links to a stone near the Rev. Mr. Barrit's barn, thence north seventy-two degrees, east twenty-nine chains and sixty links to the beginning.

Officers.

SEC. 2. The officers of said corporation shall consist of Mayor, five Commissioners and Constable; it shall be the duty of the present Magistrate of Police or any other Justice of the Peace for said County, on the first Monday in January, eighteen hundred and sixty-nine, and the Mayor on the first Monday in January in each and every year, after giving ten days' notice by advertising at the Court House door and two other public places in said corporation, and it shall be his duty to open the polls under the same restrictions that other County and State elections are held.

Voters.

SEC. 3. That all resident citizens within said corporation that have resided thirty days (30 days) previous to an election, shall be entitled to vote at said election.

Oath.

SEC. 4. It shall be the duty of the Commissioners elect to meet together and organize, take and subscribe to the following oath: I, A. B., do swear that I will faithfully act as Commissioner, to the best of my knowledge and ability for the ensuing year, so help me God.

Rules, &c.

SEC. 5. That the said Commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of the United States or of this State.

SEC. 6. That the said Commissioners shall have power to levy a tax of one dollar on the poll and fifty cents on the one hundred dollars valuation.

Taxes.

SEC. 7. The Commissioners shall have power to tax all subjects of State taxation within the corporate limits to an amount not exceeding the State tax, and they shall also have power to abate all nuisances and for this purpose may impose such fines as may be necessary to abate them.

Nuisances.

SEC. 8. It shall be the duty of said Commissioners to spend the tax so levied and collected in repairing the streets and sidewalks and keep them in good and passable order.

How taxes to be spent.

SEC. 9. That the said Commissioners, when organized, shall have power to appoint a Secretary, whose duty it shall be to record the proceedings of the said Commissioners, and also to appoint a Treasurer, who shall enter into bond in the sum of five hundred dollars, payable to the State of North Carolina, with one or more securities, approved by the Commissioners, and it shall also be their duty to require of the Constable elect to enter into bond, payable to the State of North Carolina, in the sum of five hundred dollars, with one or more securities approved by the said Commissioners.

Power to appoint Secretary.

SEC. 10. That the Mayor, when elected and qualified, shall have the same power to all intents and purposes that any other Magistrate of the County has.

Power of Mayor.

SEC. 11. That the Mayor elect, before entering into office, shall go before some person authorized to administer an oath and take the oath of a Justice of the Peace.

Mayor to take oath.

SEC. 12. That the Constable elect, before entering into office shall go before some person authorized to administer an oath, and take the oath usually taken by Constables.

Constable to take oath.

SEC. 13. That all laws and clauses of laws heretofore enacted coming in conflict with this act are hereby repealed.

Repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE WARREN COUNTY CO-OPERATIVE
BUSINESS COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following named persons, viz: Albert Burgess, Cæsar Johnson, Jas. M. Ransom, William Cawthorn, Richard Forkner, John A. Hyman, John Plummer, Henry Williams, Ossan Hawkins, John Batchelor, Harry H. Plummer and William Williams, their associates, successors and assigns are hereby constituted a corporation and body politic, under the name and title of the Warren County Co-operative Business Company.

Power to buy,
sell, &c.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things on such terms and such securities, real and personal, as may be agreed on, to grow and sell fruits and vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to buy and sell goods, wares and merchandise, and to take measures in carrying out any purposes connected with the business of said Company.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of ten dollars each.

Commence busi-
ness.

SEC. 4. The said corporation shall have power to commence business when one hundred shares of stock shall have been taken up and paid in.

Officers.

SEC. 5. The officers of said corporation shall be a President, Vice-President, Secretary and Treasurer, who shall be elected by the stockholders, and shall continue in office until their successors are chosen, and who shall constitute a Board of Directors in the management of the business of the said corporation under such restrictions and laws as the stockholders may enact.

SEC. 6. The stockholders of said Company shall make such constitution and by-laws for the regulation thereof as they may deem fit not inconsistent with the laws of the State.

Stockholders to make laws, &c.

SEC. 7. The said corporation shall have the power and privileges granted by the general law of corporations, or which shall be hereafter granted.

Powers and privileges.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXVII.

AN ACT TO INCORPORATE THE GERMANIA LAND COMPANY OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of North Carolina, Louis Zimmer, Daniel Derhert, D. W. C. Benbow, W. A. Smith, W. L. Scott, J. H. Davis, Thomas D. Owens, Wm. A. Welker, S. M. D. Tate, B. F. Duffee, David Hodgkin, Thos. B. Keogh, F. B. Cavanaugh, H. J. Menninger, David Jackson, John Crane, S. M. Cole, and their associates, successors and assigns, be and are hereby constituted a body politic and corporate, under the name and style of the Germania Land Company of North Carolina, to be located at Greensboro', with a capital stock of twenty thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each, and to have the privileges and incidents belonging to corporations organized under the twenty-sixth section of the Revised Code.

Body corporate.

Capital stock.

SEC. 2. The said corporation shall have power to buy and sell, lease, bond, mortgage, or otherwise convey lands,

water power and real estate generally, to make advances of money or other things to settlers or others, on such terms and on such securities, real and personal, as may be agreed upon; to grow and sell fruits, vegetables, and all kinds of products, to engage in any species of agriculture, manufactures, or mining enterprise, and to buy and sell goods, wares and merchandise. The said Company may likewise own and manage steam or other vessels, and take measures for the transportation of property into the State, or for carrying out any other purposes connected with the business of said Company.

Directors to manage.

SEC. 3. The business of said Company shall be managed by a Board of Directors, of a number to be fixed by the stockholders. They shall out of their number, choose a President and such other officers as they may see fit, who shall hold office for a term to be prescribed in the by-laws.

By-laws.

SEC. 4. The stockholders of this Company may make such by-laws for the government of the Company as they may deem fit, not inconsistent with the laws of the State.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXVIII.

AN ACT TO INCORPORATE THE MERCHANTS' BANK OF WILMINGTON.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That a bank be established in the Town of Wilmington, County of New Hanover, State of North Carolina, to be styled the Merchants Bank of Wilmington, the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each,

and for receiving subscriptions to said stock, books shall be opened at Wilmington on the first Monday in May, eighteen hundred and sixty-nine, under the supervision as Commissioners of Wm. H. Willard, Jas. A. Willard and Albert A. Willard, and when three hundred shares shall have been subscribed and the money paid, the stockholders may meet at a time and place they may appoint, and elect three or more of their members Directors, who shall serve one year, and until their successors shall be elected and enter upon the discharge of their duties, and said Directors shall elect one of their number to be President during the term of office.

When meeting
may be called.

SEC. 2. Said President and Directors shall and may adopt and use a common seal, and alter the same at pleasure, may make and adopt proper and necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof; said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity, except for taxes, and shall pay to the State an annual tax on each share of one hundred dollars, a sum equal to that charged by the State on other property of equal value.

By-laws, &c.

SEC. 3. That said bank may discount notes and other evidences of debt, receive and pay out the lawful money of the country, deal in exchange, bonds, gold and silver coin and bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real or personal estate and property as may be conveyed to secure debts, and may sell and convey the same; it may receive and deposit any and all sums of money on terms to be agreed upon by the officers and depositors. Minors, and apprentices and *feme covert*s, may deposit therein and control the deposit so made, for their own separate use, free from all other control or con-

Discount notes,
&c.

Deposits.

tract whatever, and may receive on deposit money held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rate of interest as may be agreed on by the officers of the bank and depositors, not to exceed the legal interest, which certificate shall be assignable and transferable under such regulations as may be prescribed by the President and Directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as if under the seal of the bank.

Elections.

SEC. 4. The President and Directors shall annually appoint the time and place of holding the election for their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote.

SEC. 5. This act shall be in force and effect from and after the date of its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXIX.

AN ACT TO AMEND THE ACTS OF EIGHTEEN HUNDRED AND TWENTY-FIVE AND TWENTY-SEVEN, FOR THE BETTER REGULATION OF THE TOWN OF BEAUFORT.

Election.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election shall be held in the Town of Beaufort on the first Monday in January, and annually thereafter on the first Monday in January, to elect five electors in said Town, residents of said Town, to act as Commissioners thereof for the term of one year.

Advertisement.

SEC. 2. That it shall be the duty of the Town Commissioners to advertise the time of holding the election for Commissioners ten days previous thereto, and the Commissioners shall summon three electors residents of the Town,

who together shall hold the polls at the Court House in said Town, and shall keep the polls open from eight o'clock, A. M., to four o'clock, P. M., and it shall be the duty of the Commissioners to notify the Commissioners elected of their election, within five days after the day of election, and in failure of any the above-mentioned duties enjoined on the Commissioners, they shall, on conviction before any Court having competent jurisdiction, forfeit and pay a penalty of twenty-five dollars; and any elector resident of the Town, refusing or neglecting to assist the Commissioners in holding the polls, shall be subject to a penalty of five dollars, to be recovered in like manner, and the penalties when collected shall be paid into the hands of the Treasurer of the Town, to be applied under direction of the Commissioners for the improvement of the Town.

Penalty.

SEC. 3. That the Commissioners so elected shall, within ten days after their election, meet at some convenient place in the Town and be qualified before a Magistrate. Any person who shall, after being duly elected and notified thereof by the poll-holders refuse to qualify and serve as Commissioner, shall forfeit and pay a penalty of twenty-five dollars, to be recovered and applied in the manner aforesaid.

Penalty for failing to serve.

SEC. 4. That the qualified voters of said Town shall select a suitable elector to be elected at the same time and manner as Commissioners are elected, to act as Mayor, who shall serve for the term of one year, and act as Chairman of the Board of Commissioners, whose duty it shall be to see the ordinances duly and faithfully executed, and he is hereby authorized to issue his warrants directly to the Sheriff or any lawful officer of Carteret County to bring the offenders against the rules, regulations and ordinances of said Town before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Mayor is hereby authorized to give judgment and execution agreeably to the laws established for the improvement and government of said Town.

Voters to select.

Judgments and executions.

Power limited.

SEC. 5. That the said Commissioners shall not for any one breach of their ordinances have power to levy a greater penalty than ten dollars ; and all fines, levied and collected under their authority, shall be for the use of said Town.

Treasurer.

SEC. 6. The said Commissioners, after they have been qualified, shall proceed to choose one out of their number, to be Treasurer of said Town for that year, into whose hands all moneys becoming due to said Town shall be paid and there kept until otherwise disposed of for the benefit and improvement of said Town, as the said Commissioners, or a majority of them, may direct. The said Treasurer before he enters upon the execution of his office, shall take an oath to discharge his duty faithfully, and give a bond for five hundred dollars, with two sufficient securities, to the Commissioners of said Town for the faithful discharge of his office. The Commissioners of said Town shall also choose and appoint a proper person to be their Clerk to act as such during their pleasure, whose duty it shall be to record the proceedings of the Commissioners, take care of all the journals, books and papers. All persons shall have free access, on paying twenty-five cents, under the penalty of forty shillings, to be paid by the Clerk for every refusal, and the Commissioners of said Town shall allow said Clerk such compensation as they may deem just and adequate for his services, and said Clerk shall take an oath to discharge the duties of his office faithfully.

Take oath and give bond.

Clerk to take oath

Commissioners empowered to lay tax.

SEC. 7. That the Commissioners of said Town, or a majority of them, are hereby authorized and empowered, some time in the month of January, annually to lay any tax not exceeding sixty cents on each hundred dollars' value of all the taxable property in said Town, and a tax not exceeding one dollar on each poll, for the purpose of defraying contingent charges thereof, and all those subject to taxes shall give in lists of their taxable property and polls, within the first twenty working days of February annually : those failing to give their lists shall be subject to a double tax. The Commissioners shall annually appoint in the month of Jan-

uary some one of their Board to receive the list of taxables, whose duty it shall be to advertise at the Court House and two other public places the time and place at which he will attend to receive said list of taxables. Any person who shall be appointed to receive the lists of taxables as above, mentioned and fail to perform the duties of said appointment, shall forfeit and pay a penalty of one hundred dollars, to be recovered in like manner as the penalties aforementioned and applied to the use of the Town, and the list of taxables so taken shall be handed over to the Clerk of the Town on or before the last day of February.

SEC. 8. That the Town Clerk shall make out a tax list, record it in the Town books, and furnish the collector with a true copy of said tax list on or before the first day of April, and on failure of the Town Clerk to perform any of the duties above required of him, he shall forfeit and pay a penalty of one hundred dollars.

Clerk to furnish copy to collector.

SEC. 9. That every person, owner and occupant of Town lots shall give in the number of said lots and the value thereof, which valuation shall not be less than that affixed to the County tax list for that year.

SEC. 10. That the Commissioners, or a majority of them, shall annually, at the time of appointing the receiver of the tax list, nominate and appoint a proper person to collect the taxes, to whom shall be delivered a true copy of the list of taxable property and taxes levied for that year agreeably to this act, and the person so appointed, before he enters upon the duties of his office shall, before some Justice of the Peace, take an oath to discharge his duty faithfully, and enter into bonds with sufficient security in the sum of five hundred dollars, lawful money, to the Commissioners of the Town and their successors, and the collector so appointed is hereby empowered, directed and required to collect said taxes and pay the same to the Treasurer of said Town on or before the first day of May in every year, after deducting five per centum commission for his troubles in making the said collection, and if any such collector shall neglect

Commissioners to appoint collector.

Bond.

For neglect.

or refuse to account for on oath, and pay the several wherewith he is chargeable, according to the direction of this act, it shall and may be lawful for the Superior Court of Carteret County, on motion of the Commissioners or a majority of them, or on motion of the Treasurer of the Town in their behalf, to give judgment against such collector and his securities for all moneys wherewith he shall or may be chargeable to the Town, with costs of suits, and thereupon to award execution against the body or against the goods and chattels, lands and tenements of such collector and his securities, if judgment be prayed against them, shall have ten day's previous notice of such motion.

Collect by distress

SEC. 11. That if the inhabitants of said Town, or others being liable by this act, shall neglect or refuse to pay the said tax on or before the first day of April in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offender's goods and chattels, lands and tenements, and shall receive for his trouble one dollar for each distress of goods and chattels, lands and tenements, including the cost of advertising, the sum of two dollars and no more, and the said collector shall advertise goods and chattels at least ten days previous to the sale, at the Court House and two other public places in the Town of Beaufort, and lands and tenements shall be advertised twenty days previous to the sale at the Court House and three other public places in the Town of Beaufort, and after deducting the taxes due and fees for distress, the overplus of money arising from such sales, shall be returned to the owner; *Provided*, That the former owner of lands and tenements shall have twelve months to redeem the same from the day of sale, or repaying to the purchaser the amount of his money, and twenty-five per centum in addition thereto, and to the collector of the Town the expense of distress and sale.

Lands to be advertised.

Power to give deeds, &c.

SEC. 12. That the Commissioners for the time being shall have full power and authority to give deeds in fee simple to the purchasers of lands and tenements sold for taxes, and

the said lands shall be laid off, sold and surveyed in the same manner as lands are now sold by the Sheriff for taxes, except as to the length of time for advertising, and all sales of property by the Collector for the Town, shall be made at the Court House, between the hours of ten o'clock in the morning and two o'clock in the evening.

SEC. 13. That from and after the first Monday in January no person shall keep an ordinary or store for retailing spirituous liquors or retail the same by the small measure in the Town of Beaufort until he or she shall have first appealed to the Commissioners appointed for the government of said Town and have obtained from them a certificate of their recommendation for that purpose, which recommendation shall be valid and in force for one year from the time it is granted and no longer, and every person who shall keep an ordinary, or who shall retail spirituous liquors by the small measure in the Town of Beaufort after the first Monday in January aforesaid without having first obtained license and recommendation of the Commissioners aforesaid, shall forfeit and pay the sum of one hundred dollars, to be recovered in action of debt before any Court having competent jurisdiction thereof by any person or persons who shall, within one year after the offence is committed, sue for the same, the one-half to the use of the prosecutors and the other half to the use of the Town. Every retailer of spirituous liquors by the small measure in the Town of Beaufort shall pay an annual tax not exceeding one hundred dollars to the Commissioners of said Town to be applied as aforementioned for the contingent expenses thereof.

SEC. 14. That upon complaint being made to the Commissioners or to the Mayor of the Town of Beaufort of any ordinary keeper or retailer of spirituous liquors by the small measure as aforesaid within the bounds thereof selling to or purchasing from or entertaining a common sailor against the direction of the master of the vessel to which he may belong, or of keeping a disorderly house, it may and shall be lawful for the said Commissioners, or a majority of them,

Retailers of
liquors.

Forfeiture.

In case of com-
plaint.

or for the Mayor alone, and he or they are hereby authorized and required to summon such ordinary keeper or retailer aforesaid before him or them, and on such offence being proved, to disable such person from keeping an ordinary or retailing spirituous liquors by the small measure in said Town, as if he or she had never obtained any permission or license for that purpose, and if after such disabilities and suspension pronounced, and such person shall keep an ordinary or retail spirituous liquors by the small measure within said Town he or she shall be subject to the same penalty as is denounced against those who sell without first having obtained permission from the Commissioners of said Town.

Body corporate.

SEC. 15. That the Commissioners and Mayor of said Town be chosen and qualified according to the direction of this act, shall be and are hereby incorporated into a body politic and corporate by the name of the Commissioners of the Town of Beaufort, and by that name to have annual succession, by the election of the voters of said Town and a common seal, and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain to them and their successors forever in trust and confidence for the said Town any lands, rents, tenements and hereditaments of what kind, nature or quality soever, and also to grant, sell, alien or dispose of the same, also to receive and take any gifts and donations whatsoever to the said Town, and by the same name to sue and implead, be sued and impleaded, answer and be answered in all Courts of record whatsoever, and from time to time, and at all times hereafter, under this common seal to make such rules, regulations and ordinances as to them shall seem meet for repairing the streets, erecting public wharves, appointing market places and regulating the same, erecting public pumps and keeping in repair those already erected, appointing Town watches and patrols, and making proper allowances for such services and for the removal of public nuisances, and for all such other

necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of said Town not inconsistent with the laws and Constitution of the State, and the same rules, regulations and ordinances, from time to time, to alter, change and amend or discontinue as to the said Commissioners, or a majority of them, shall appear necessary and best to answer the purpose intended for regulating and governing the said Town, and also to have full and ample power to enforce a compliance and observance of such necessary regulations by imposing Power to impose fines. fines and penalties on those who shall neglect or refuse to conform to such rules and regulations, not exceeding the sum of ten dollars, for any offence, to be recovered by warrant, under the hand and seal of the Mayor or some Justice of the Peace of the County of Carteret, directed to the Sheriff, Deputy Sheriff, or some Constable of the Town or County, to bring such delinquent before the Mayor or Justice of the Peace, and on conviction the Mayor or Justice of the Peace is hereby required to give judgment and award execution, which the said officer is hereby required to execute by distress and sale of the offender's goods and chattels, which fine, when levied and received, shall be paid into the hands of the Treasurer of the Town as part of the common stock of the Town and by him to be accounted for, and the Commissioners, or a majority of them are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the Treasury of said Town, by virtue of this act, as they shall think most for the good of said Town.

SEC. 16. That in case any Commissioner of the Town of Beaufort, elected agreeably to the provisions of this act shall remove from Town, die or refuse to act, the remaining Commissioners shall elect a citizen of said Town to act as Commissioner until the annual election, who shall have the same powers and be subject to the same penalties as the other Commissioners who are elected at the annual election. In case of vacancy.

SEC. 17. That every male citizen of the age of twenty-one years, who shall have resided in the State twelve months, and in the Town ten days, shall be entitled to vote for Commissioners and Mayor of said Town.

Annual receipts,
&c., to be published.

SEC. 18. That the Commissions of said Town shall annually publish an account of their receipts and expenditures within twenty days of the annual election of Commissioners, and said account shall be posted up at the Court House, signed by the Treasurer and countersigned by the Clerk of the Town, and on failure of the Commissioners to publish their accounts as above required, they shall forfeit and pay a penalty of fifty dollars, to be recovered in any Court having jurisdiction, one-half shall go to the prosecutor, the other half shall be paid to the Treasurer of the Town for the benefit thereof.

Vacant lots.

SEC. 19. That from and after the passage of this act, it shall and may be lawful for any one to enter vacant lots in the Town of Beaufort; but it shall be the duty of the Commissioners of said Town, from time to time as they may deem most for the benefit of said Town, to advertise such part of the vacant lots belonging to the Town as they may think advisable to sell, for four weeks before the day of sale, in one of the public newspapers nearest said Town, and then sell the same at public auction to the highest bidder, and execute deeds for the same to the purchasers, and all moneys arising from the sale of such vacant lots shall be paid over to the Treasurer of the Town of Beaufort, to be applied by the Commissioners of said Town for the improvement thereof.

Released from
work on public
streets.

SEC. 20. That the inhabitants of the Town of Beaufort are hereby entirely released from working on the streets of said Town, or on the public highways in the County of Carteret, any law to the contrary notwithstanding.

Power to make
covered drains, &c.

SEC. 21. That the Commissioners of the Town of Beaufort shall have full power and authority to make covered drains through the streets and lots of said Town for draining off all stagnant water which have or may accumulate

in any part of said Town and the expenses of such drains shall be paid out of any monies in the Treasurer's hands by draft from the Commissioners for amount of said labor, the Commissioners, or a majority of them, shall lay out and designate the route of said drains through the streets and lots :

Proviso.

Provided, always, That if any person through whose lot it is deemed necessary to run a drain shall object or refuse to permit such drains to pass through his or her lot, the Commissioners shall petition the next County Commissioners to appoint six males, citizens of said Town, and it is hereby declared to be the duty of the County Commissioners to make such appointments, who shall go upon the said lots and lay off the course of said drain and assess the damages, if any arising from the passage of such drain through said lots, which damages shall be paid by the Commissioners out of any funds in the hands of the Treasurer of said Town, a copy of which petition shall be served upon the proprietor of such lots, if known, at least ten days before the Court at which such petition is filed.

Penalty for destroying drain.

SEC. 22. That if any person shall be guilty of destroying or stopping up any drain made by the Commissioners as aforesaid, he or she shall, on conviction before the Mayor or Justice of the Peace of the County of Carteret forfeit and pay a fine of ten dollars.

Buying ground.

SEC. 23. That it shall be the duty of the Commissioners of the Town of Beaufort, in the month of February ensuing, to lay off eight lots in an uninhabited part of the Town for a public burying ground, and they shall lay off four of said lots in suitable squares for families and sell the same at public auction to the inhabitants of said Town, and the monies arising from such sales shall be appropriated by the Commissioners to defray the expenses of fencing and planting the said burying ground with trees, and the remaining four lots shall be a common burying ground for all persons whatsoever, and any person or persons who shall be guilty of interring any corpse in the old burying ground in the central part of the Town, where the old Church stands,

Penalty for burying in old grounds.

after such new burying ground shall be laid off, shall, on conviction before the Mayor, pay a fine of ten dollars for each and every offence, to be recovered and applied as other fines and penalties mentioned in this act, unless such interment shall under special circumstances be specially authorized by the Commissioners of the Town; and whereas, by encroachment of the sea, the front street of the Town of Beaufort is in many parts reduced in width, and the convenience of the inhabitants requiring that other parts of the street should occasionally be used for the deposit of lumber and other articles and for building of ships.

Concerning front streets and building vessels.

SEC. 24. That the Commissioners of said Town may designate the part of said Front street to be kept open for passage of carts and carriages and persons, and may also grant permission to persons to deposit any articles or to build vessels in other parts of said street, and if any person shall obstruct any part of the said street so directed to be kept open by depositing thereon any lumber or other articles, or building any ship or erecting any houses or sheds thereon without permission of the Commissioners, encroach upon the part not so directed to be kept open shall be subject to a fine of ten dollars to be recovered as other fines are by this act directed, or at the option of the Commissioners may be prosecuted by an indictment in any Court in Carteret County for a nuisance, and, on conviction be fined or imprisoned at the discretion of the Court.

Town Constable.

SEC. 25. That it shall be the duty of the Town Commissioners to appoint a Town Constable, whose duty it shall be to execute all processes which may be directed to him by the Mayor, and likewise to obey and execute all orders which may be issued by the Commissioners of said Town.

Powers of Constable, &c.

SEC. 26. That the person appointed as Town Constable aforesaid shall be compelled to serve as such for the term of one year, under the penalty of being removed. And the said Constable shall have power and authority in collecting fines and forfeitures, suppressing vice and immorality, removing nuisances, and in all other things for the good government of said Town.

SEC. 27. That the Commissioners of said Town are hereby authorized to allow such fees to said Constable for the services which he may perform as they from time to time may think proper.

Fee of Constable.

SEC. 28. That all acts or clauses of acts coming within the meaning and perview of this act be and the same are hereby repealed.

Repealed.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXX.

AN ACT TO INCORPORATE THE NORTH CAROLINA PLANTERS MUTUAL INSURANCE AND LOAN COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. Powell, R. R. Bridges, Byron Laffin, F. W. Foster, J. W. Holden, F. F. French, J. Barnes, W. T. Dortch, O. H. Dockery, E. C. Grier, A. Young, J. C. McIlhenny, J. S. Cheek, J. A. Bullock, M. McGehee, Wm. Long, D. W. Courts, Wm. E. Ballard, J. B. Cook, D. R. Goodloe, their associates, successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of "The North Carolina Planters Mutual Insurance and Loan Company," to be located in the City of Raleigh, and by that name they, and their associates, shall have continual succession for ninety-nine years, and a common seal, and enjoy all the rights and franchises conferred by the twenty-sixth chapter of the Revised Code of North Carolina relating to corporations.

Body corporate.

SEC. 2. That the persons named in the first section are hereby constituted a Board of Directors for the purpose of organizing the Company in pursuance of the provisions of the aforesaid twenty-sixth chapter of the Revised Code.

Board of Directors.

Capital stock.

SEC. 3. That the capital stock of the said Company shall not exceed two millions of dollars, and at least two hundred thousand dollars of that amount shall be subscribed before the Company commences business.

Authority to receive cotton, rice, &c.

SEC. 4. That the said corporation shall have authority to receive cotton, tobacco and rice, to be sold on commission for the benefit of the planters, and shall charge not exceeding two and one-half per cent. ($2\frac{1}{2}$) over and above the cost of transportation, storage and insurance as a profit on the sales.

SEC. 5. That the stock of the Company may be paid in consignments of the above named staples, or in money, lands, mortgages, national, State or other corporate stocks, at their current value.

SEC. 6. That the said corporation shall have the right to receive from any and all persons and bodies corporate, any and all deposits of money, and if so requested, shall issue certificates of deposit therefor, and pay interest thereon at such rates and upon such terms and conditions, and in such manner as the Board of Directors may prescribe, and may invest the money so received, and all other funds and property belonging to, or which may be in the hands of the corporation in the stocks of the United States, or of this or any other State, or the bonds of municipal or other corporation, or negotiable papers and other securities, or in promissory notes secured by mortgage on real or personal estate, or by individual security, or may invest, sell, transfer and re-invest said funds and other property in any manner deemed most safe and beneficial by the Board. The said corporation, if the Board of Directors shall at any time deem expedient, may deal in gold and silver coin or bullion, uncurrent money and bills of exchange, and may discount commercial or other paper, receiving thereon the interest in advance.

Advances, &c.

SEC. 7. It shall be the duty of the Company to make advances to planters, who are stockholders, upon consignment of their cotton, tobacco or rice for sale at a rate of

interest not exceeding six per cent. and at the current price of the commodity: *Provided*, That on settlement, the Company shall not be required to pay to the planter more than the amount of sales, after deducting the cost of transportation, storage, insurance, and two and one-half per cent. as above provided, for the profits on sales. And to enable the Company to carry out the provisions of this and the fourth section it is hereby authorized to establish branches or agencies in the planting districts, and to purchase or construct as many warehouses, on the Rail Roads and at the seaports, as may be necessary for the storage of the produce committed to its care.

SEC. 8. That this act shall be in force from and after its ratification, and the corporators are required to meet within three months for the purposes of carrying out the purposes of the charter.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXI.

AN ACT TO INCORPORATE THE TOWN OF TRINITY IN RANDOLPH COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Trinity in the County of Randolph be and the same is hereby incorporated by the name and style of Trinity, and shall be included within the following boundaries, to-wit: The Town shall be two miles long from north to south, and one mile wide from east to west, the center of the Town to be the center of the principal College building.

SEC. 2. That it shall be lawful for the citizens resident within these limits, on the first Monday in January in every year, to elect a Town Magistrate and five Commissioners,

Election.

to serve as such for one year from the day of election, or till their successors are appointed: *Provided*, That no man shall be eligible to the appointment of Town Magistrate or Commissioners, unless he has resided in said Town three months immediately preceding his election; nor shall any one be entitled to vote till he has resided within said Town one month immediately preceding such election, and shall be qualified to vote for members of the General Assembly.

Commissioners to be the body corporate.

SEC. 3. That the Town Magistrate, who shall be a Magistrate of Trinity Township, and the Commissioners, after they are elected, shall take an oath faithfully to perform their duties, and shall be a body corporate and politic, and shall have and enjoy all the rights and privileges enumerated in chapter (111) one hundred and eleven of the Revised Code, not inconsistent with the laws of the State, nor with the provisions of this act.

Sheriff to hold election.

SEC. 4. That the Sheriff of Randolph County, or some one of his deputies, shall hold an election for Town Magistrate and Commissioners within thirty days after the ratification of this act; and that any Magistrate in Trinity Township may administer the oath of office to the persons elected: *Provided*, That the Sheriff or his deputy give due notice of the election ten days before the time appointed.

Charter not affected by this act.

SEC. 5. That the privileges and powers granted by this act shall in no way repeal any privileges or powers granted by the charter of Trinity College.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STATESVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the Town of Statesville, in the County of Iredell, shall be included within the following boundaries, to wit: Beginning at a black oak on J. F. Alexander's land near the Salisbury branch, thence South sixty-six degrees west, running eight poles south of south-east corner of the old Town plat, one hundred and five poles to a stake on S. R. Bells' land; thence south twenty-four degrees east eighty-six poles, crossing the Western North Carolina Rail Road, to a stake, thence south sixty-six degrees, west five hundred feet to a stake, thence south sixty-six degrees, west five hundred feet to a stake, thence north twenty-four degrees, west eighty-six poles to a stake, thence south sixty-six degrees, west two hundred and eleven poles to a stake, thence north twenty-four degrees, west two hundred and four poles to a stake, thence north sixty-six degrees, east three hundred and forty-five poles to a stake, thence south twenty-four degrees, east two hundred and four poles to the beginning.

Corporate limits.

That the present Mayor and Commissioners elect, to wit: T. A. Sharpe, Mayor, and J. F. Long, W. H. Morrison, J. F. Vanpelt and T. C. Anderson, are hereby declared to be the Mayor and Commissioners of said Town, and shall continue in office and perform all the duties thereof, until their successors shall be elected as hereinafter provided.

Mayor and Commissioners.

SEC. 3. That the said Mayor and Commissioners are hereby declared and constituted a body corporate and politic under the name and style of the "Commissioners of the Town of Statesville," and as such may sue and be sued, plead and be impleaded, have and use a common seal and change the same at pleasure, and have perpetual succession,

Declared a body corporate.

and said Mayor, acting as one with the other Commissioners, shall have power and authority to adopt all such rules, regulations and by-laws as they or a majority of them may deem necessary to promote the interest and insure the good order and government of said Town, for the improvement of the streets and the preservation of health in the same, and to make all such other regulations as the interest, comfort and convenience of the citizens may require. Said Commissioners shall also have power to levy and collect a tax from all the retailers of spirituous liquors within the hands of said corporation, all nine pin or ten pin alleys, circus companies, animal shows, organ grinders, slight of hand performances, auctioneers, and all and every person or persons, company or companies, who may exhibit, sing, play, and act, or perform, or do anything for which they charge or receive any gratuity, pay, fee, or reward whatsoever, within the limits of said corporation: *Provided*, The same shall not be inconsistent with the Constitution of the United States or of this State, and said Commissioners shall have power to appoint a Town Clerk, who shall hold his appointment one year only, whose duty it shall be to record all the proceedings of the Commissioners in a well bound book kept by him for that purpose, he shall also act as Treasurer for said corporation, and shall give bond and security in the sum of five thousand dollars, made payable to the State of North Carolina, and conditioned for the safe keeping of all moneys that may come into his hands as Treasurer, and for paying out the same as ordered by the Commissioners and for the faithful performance of his duty as Clerk. They shall also have power to appoint a Town Constable, whose duty it shall be to collect all taxes levied under this act, and fines imposed by said Commissioners and forfeitures incurred by the violation of any of the by-laws passed by said Commissioners, and he shall give bond and security in the sum of five thousand dollars payable to the State of North Carolina and conditioned for the collection of all such claims for the service of execution of all

Appoint Town
Clerk.

Bond.

Treasurer.

Bond.

such process as may be placed in his hands by the Commissioners, or given him by their order and for the punctual paying over of the same to the Treasurer above named, and for the faithful performance of his duty as Town Constable, and said Constable so appointed shall hold his appointment for one year only, and shall have the same powers and privileges as other Constables, and shall have, use and exercise all lawful ways and means which are usually had, used or exercised by the several Sheriffs of this State, and be subject to the same liabilities that they are in the performance of their duties in the collection of the public revenue, and the above named bonds, when executed as above directed, shall be filed in the office of the Register of Deeds for safe keeping, and for a breach of the conditions of either of the above named bonds, the Commissioners and all other persons shall have the same remedies as are usually had on Clerks' and Constables' bonds.

Term of office.

Bond filed.

SEC. 4. That it shall be lawful for the citizens who live within the corporate limits of said Town to meet at the Court House on the first Monday in January, eighteen hundred and seventy, and every year thereafter on the first Monday in January, and elect a Mayor and four Commissioners who shall hold their offices for one year from the time of their election, and until their successors shall be elected and qualified; and it shall be lawful in case of the death or removal of the Mayor or any of the Commissioners, for the Commissioners to appoint their successors for the remainder of their term of office; and it shall be the duty of the Sheriff of said County to give ten days notice at the Court House door and three other public places in the corporation, previous to said election of Mayor and Commissioners, and to hold the same under the same rules, regulations, restrictions and penalties, that elections are now held for members of the General Assembly, and he shall determine who is elected, and shall furnish the Town Clerk with a certificate of the election, which the Clerk shall copy into the book in which he records the proceed-

Elections.

Term of office.

Successors, how appointed.

ings of the Commissioners of Statesville, and such entry so made by the Town Clerk, shall be conclusive evidence of the election of such persons to the offices therein named.

Who entitled to
vote.

SEC. 5. That any male citizen of the age of twenty-one years, within the corporate limits of said Town, and who shall have been a resident therein for thirty days before the day of election, shall be eligible to the office of Commissioner, and any person elected or appointed Mayor or Commissioner under the provisions of this act, refusing to act, failing or neglecting to qualify by taking the oath of office for two months after the election or appointment, shall forfeit the sum of fifty dollars for the benefit of said corporation for every such failure or refusal, which sum shall be recoverable by warrant before any Justice of the Peace in and for said County, in the name of the State of North Carolina, to the use of the Commissioners of Statesville, to be applied by them to the use of the corporation; *Provided nevertheless*, That no person shall be compelled to serve as Mayor or Commissioner more than two years out of four, and every male citizen of the age of twenty-one years who has lived in said Town ten days immediately preceding the day of election, shall be entitled to vote in said election.

Penalty for refusing to qualify.

Proviso.

Taxes.

SEC. 6. That the Mayor and Commissioners or a majority of them are hereby authorized and empowered annually on or before the first Monday in April, to levy and collect a tax for the purpose of carrying out the provisions in section third of this act upon real estate, polls, and all the net interest received or accrued on money loaned, and on all other kinds of property, and upon every other thing else whether it be property or not, of every kind or nature whatsoever, that now is or hereafter may be subject to taxation under the revenue laws of this State that is within the limits of said corporation.

Rail Road stock.

SEC. 7. That said Mayor or Commissioners or a majority of them, shall have full power and authority by and with the consent of a majority of the voters, within the limits of

the corporation of the Town of Statesville, to subscribe a number of shares to the capital stock of any work or works of internal improvement in which they may have an interest, a sum not exceeding thirty thousand dollars.

SEC. 8. That before such subscription authorized in the foregoing section shall be made, it shall be the duty of the Mayor and Commissioners of the Town of Statesville, to ascertain by the popular vote of the citizens thereof, entitled to vote under this act, their wishes in relation thereto, and it shall be the duty of the Mayor and Commissioners of said Town to advertise in one or more newspapers for the space of twenty days, and also at the Court House in said Town, appointing a certain day and place to hold an election to be managed in the same manner and by the same officers, and under the same rules, liabilities, and penalties which the election of Mayor and Commissioners are to be held under this act. Those voting in the affirmative of the proposition shall write on a ballot or on a ticket the word "tax," those voting in the negative the words "no tax."

To be submitted
to popular vote.

SEC. 9. That it shall be the duty of the Sheriff or officer holding the election according to the foregoing section to make due returns to the Commissioners of Statesville, of the result of the election, and if a majority of the voters within the limits of the said corporation shall have voted for taxation, then it shall be the duty of said Commissioners of Statesville to issue coupon bonds signed by the Mayor and Commissioners and by the Town Clerk and Treasurer, in sums not exceeding five hundred dollars, bearing six per cent. interest, payable semi-annually and redeemable within twenty years from the dates thereof, at any point or points within the State: *Provided always*, That before the issuing of said bonds as aforesaid, it shall be the duty and it is hereby expressly required that the Commissioners of Statesville shall levy a tax upon the citizens thereof, who are subject to the same, and on all the subjects of taxation that are now or may hereafter be included in section six of this act, sufficient in amount to discharge interest on said bonds,

Duty of Sheriff,
&c.

and likewise a sum sufficient to liquidate the principal of said bonds as they shall from time to time fall due.

Taxes, by whom collected.

SEC. 10. That it shall be the duty of the Town Constable to collect the taxes levied under the foregoing section for internal improvement purposes and pay over the amount collected to the Town Clerk and Treasurer, to be applied by him, under the order of the Commissioners of Statesville, to the discharge of the principal and interest of the coupon bonds, as it may from time to time fall due. Said Town Constable, Clerk and Treasurer shall be liable upon their respective bonds for any failure in the performance of their duties in this section required.

Tax to be separately assessed.

SEC. 11. That whenever the Commissioners of Statesville shall think it proper to levy a tax for the purpose mentioned in the ninth section of this act, then it shall be the duty of said Commissioners to cause such tax to be separately assessed, and the Town Constable shall give to every person paying such tax a separate receipt specifying the particular sinking fund to which it is applicable, and the true date of such payment, and all such receipts shall be assigned; and whenever any person shall produce to the Mayor and Commissioners their sinking fund receipt as aforesaid, which together with simple interest computed thereon from their respective dates, shall in the aggregate amount to one share of the capital stock in the work of internal improvement subscribed to by the Commissioners and for which the said tax was levied, the person producing the same, shall be entitled to one share of the capital stock of said work belonging to said Commissioners of Statesville, and the Mayor and Commissioners being thereto requested shall upon all and every such case cause one share of the stock of said Commissioners in such work of internal improvement to be transferred or assigned to the party producing said receipts, to them or their successors or appointees as they may desire, and said receipts shall be delivered up to be cancelled.

Stock and assignment thereof.

SEC. 12. That a majority of said Commissioners shall constitute a quorum for the transaction of business, and shall also have power to call a meeting when they deem it necessary, and at all meetings of Commissioners in the absence of the Mayor, they shall appoint one of their own number Chairman, and the Mayor shall preside at all the meetings of the Commissioners when he is present, and in all cases shall have a right to vote with the other Commissioners: he shall also have power to call meetings when he may deem it necessary, and shall have power to issue warrants against all persons who may violate the laws of the corporation, and hear and determine the same: it shall be his duty to superintend all improvements and works ordered by the Commissioners, and see that the laws are observed, and shall have power to have any person or persons arrested who may behave themselves in a disorderly manner within the corporate limits of said Town, and may sentence the offender or offenders to pay a fine not exceeding thirty dollars, and enter up judgment and execution for the same. All such fines when collected to be for the use of the corporation, and the Commissioners shall have power to grant to the Mayor such compensation as they may deem proper for his services as such, and the Mayor shall have jurisdiction of trial of all violation of criminal laws and misdemeanors that shall take place within the limits of the Town of Statesville, to the same extent and in like cases as are by the Constitution and laws of the State delegated to Justices of the Peace within their Townships; and the said Mayor in all cases within his jurisdiction shall have the authority and power of imposing and enforcing penalties as are delegated to Justices of the Peace in like cases, and the defendants in all such cases shall be entitled to the same privileges and rights for their defence and for appeal to Superior Court as defendants have in similar cases when on trial before a Justice of the Peace.

Quorum.

Fines, &c.

SEC. 13. That it shall be the duty of every person residing or owning property within the corporate limits of said

List of subjects of taxation.

Town, to deliver on oath to the Mayor on or before the first Monday in April in each and every year a statement of all the real property, together with a list of all other subjects of taxation included within this act, which he or she may own, or which they may have control of as trustee or guardian, or in any other way, and all persons living in the corporate limits of said Town, subject to poll tax by the laws of the State, shall in like manner give a list of polls, and any person failing to give in as above required either or both these statements, shall forfeit the sum of fifty dollars for the use of the corporation, recoverable in the name of the Commissioners of Statesville by warrant before any Justice of the Peace in and for said County, and be subject to pay double the amount of tax for which he or she would be otherwise liable. It shall also be the duty of the Commissioners to appoint three citizens of said Town, assessors, whose duty it shall be, on being furnished with the returns of the real property in said Town by the Mayor, to proceed to assess the same at its full cash value and return the same in writing to the Mayor on or before the first day of May in each and every year, and said assessors shall hold their office one year, and it shall be the duty of the Commissioners to make such appointment every year, to fill all vacancies in the board of assessors which may happen by death, removal or otherwise, and should any person appointed assessor as herein provided, refuse to act or fail to qualify by taking an oath of office for one month after his appointment, such person or persons shall forfeit the sum of fifty dollars to the use of the corporation, recoverable before any Justice of the Peace in and for said County by warrant in the name of the Commissioners of Statesville.

Penalty for failure
to give in.

ASSESSORS.

Fees.

SEC. 14. That the Mayor and Commissioners shall have power and authority to regulate the fees of the Town Clerk and Constable, to open or close such streets as they may consider necessary, and assess the damage which any person may sustain by such new streets passing over their land: *Provided, nevertheless,* Should any person or persons whose

land may be taken for the purpose of such new streets, be dissatisfied with the assessment of damage by said Commissioners, they may appeal from their decision to the Superior Court of said County.

SEC. 15. That if the Sheriff should fail or neglect to perform his duty in holding the election for Mayor and Commissioners as required by the provisions of this act, for every such failure he shall forfeit the sum of two hundred dollars to the use of the corporation, recoverable by warrant in the name of the Commissioners of Statesville before any Justice of the Peace in and for said County.

Sheriff to forfeit.

SEC. 16. That it shall be the duty of the Town Clerk to advertise five days all the by-laws passed by the Commissioners of Statesville, at the Court House door, and no by-laws, rule or ordinance shall take effect until after such advertisement.

Advertisement.

SEC. 17. That the Town Clerk and Town Constable shall receive such fees for their services as said Commissioners may allow and no other, and any one appointed Town Clerk or Town Constable by the said Commissioners, under the provisions of this act, and shall fail, neglect or refuse to act, shall thereby forfeit fifty dollars to the use of said corporation, recoverable in the same manner provided for in the fifteenth section of this act.

No other fees allowed.

SEC. 18. That if said Mayor and Commissioners shall permit the streets, or sidewalks, or roads within the corporate limits of said Town, and remain so as to become a nuisance, or shall permit any nuisance to exist in said limits, which they have the power to remove, shall be liable to indictment in the Superior Court, and on conviction, shall be fined at the discretion of the Court.

Nuisances.

SEC. 19. That all laws heretofore passed for the better regulation of the Town of Statesville, coming within the meaning and purview of this act, be and the same are hereby repealed; *Provided*, That nothing herein contained shall be so construed as to invalidate any act or acts of any former

Repealed.

Commissioners of Statesville, under or consistent with, and in pursuance of any previous Town charter.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER LXXIII.

AN ACT TO CONSOLIDATE AND AMEND THE SEVERAL ACTS RELATING TO THE INCORPORATION OF THE TOWN OF SALISBURY.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners for the Town of Salisbury, and their successors in office, chosen in the manner hereinafter provided for, be and they are hereby created a corporation and body politic, under the name and title of the "Commissioners for the Town of Salisbury," with full power to make by-laws not inconsistent with the Constitution of the State and of the United States, to contract and be contracted with, to sue and be sued, to plead and be impleaded by that name and title, and they are hereby invested with all other powers and rights necessary or appertaining to municipal corporations.

Mayor and Commissioners.

SEC. 2. That the Board of Commissioners of said Town of Salisbury shall be composed of a Mayor and eight Commissioners. The Mayor shall be elected annually, and shall hold his office until his successor is duly elected and qualified. He shall be *ex officio* President of the Board of Commissioners and have one vote therein. The eight Commissioners shall be elected annually, and shall hold their offices until their successors are duly elected and qualified.

Elections.

Where election to be held.

SEC. 3. That the election of Mayor and for Commissioners for the Town shall be held at the Court House, or such other

place in said Town as may be officially appointed and advertised, on the first Monday in January in each year; that the Sheriff of Rowan County, or a Deputy by him appointed, shall advertise said election at least twenty days before the said first Monday in January, eighteen hundred and sixty-nine, and at least twenty days before the said first Monday in January in every year thereafter; and shall attend at said Court House, or other place as appointed and advertised, on the said day of election, and at the hour of ten in the morning shall open the polls of election in the presence of two inspectors appointed and qualified as hereinafter provided for, shall receive the tickets, and shall put those for Commissioners of said Town in one box, and those for Mayor of said Town in another box provided for that purpose. Each inspector shall personally, or by an agent chosen by him and duly sworn before some Justice of the Peace, take down, in one list, the names of the persons voting for Commissioners of said Town, and in another list the names of persons voting for Mayor of said Town; and the said Sheriff shall, in the presence of said inspectors, at the hour of four in the afternoon, close the said polls, and at the said Court House, or place so appointed and advertised as aforesaid, in the presence of such of the electors as choose to attend, open the boxes containing the tickets, and examine and number ballots, and read aloud what appears upon each, and shall declare the person receiving the greatest number of votes for the office of Mayor duly elected Mayor of said Town, and shall, on demand, give a certificate to that effect; and shall declare the eight other persons receiving the greatest number of votes for the office of Commissioners duly elected Commissioners of said Town, and, on demand, give them certificates to that effect. When two or more persons shall have the same number of votes, the said Sheriff, or Deputy, or Coroner, or Deputy, shall give the casting vote; but the said Sheriff or Coroner, if holding the election, shall not vote in any other case whatever; and the said Sheriff, or in

Sheriff to advertise.

Inspectors.

Certificate.

Casting vote.

case of a vacancy in the office of Sheriff the Coroner shall for every neglect or refusal to obey the requirements of this section, by himself or by the deputy, by the said Sheriff or Coroner respectively appointed to hold said election aforesaid, forfeit and pay two hundred dollars to any person who shall sue for the same in any Court having jurisdiction thereof: *Provided*, That said suit be brought within six months after the cause of action accrued. The said inspectors shall be appointed by the County Commissioners, for the County of Rowan, on the first day of December in each and every year next preceding the day above fixed for holding said election, and in case of a neglect of said Commissioners to appoint, or of a neglect or refusal by said inspectors, or either of them, to attend or act on the day of election, then they, or in case one only shall neglect or refuse to attend or act, a substitute for the one so neglecting or refusing shall be appointed on the day of election by one Justice of the Peace for said County, to be designated by the officer holding said election to make the appointment. Any person neglecting or refusing to act as inspector when appointed as aforesaid shall forfeit and pay ten dollars to any person who may sue for the same before the Mayor of said Town: *Provided*, That suit be brought within six months thereafter.

Penalty for refusal

Proviso.

Penalty for refusing to act.

Proviso.

Qualification for office.

SEC. 4. No person shall be elected Mayor or Commissioner for the Town of Salisbury except a male citizen of the age of twenty-one years, who shall have resided in said Town for six months next preceding the day of election, and no Sheriff, Coroner or Constable, nor any deputy of either of those officers shall be eligible to the office of Mayor or Commissioner.

Who qualified to vote.

SEC. 5. Every male inhabitant of the Town of Salisbury of the age of twenty one years, who shall have resided in said Town six months next preceding the day of election, and shall have paid a Town tax, and also all male citizens of the State of North Carolina, of full age, who shall possess in said Town real estate assessed for taxation at a

sum not less than five hundred dollars, shall be entitled to vote for Mayor and Commissioners of said Town.

SEC. 6. That if a vacancy shall at any time happen in the office of Mayor or Commissioner, by refusal of the elect to qualify, by resignation, death or otherwise, it shall be the duty of the said Board of Commissioners, within one month after the happening of such vacancy, to elect some suitable person to fill the same; and any such Mayor or Commissioner so elected, shall have the same powers, privileges and emoluments as if chosen by the people.

Vacancies.

SEC. 7. That on or before the Saturday next after their election the Mayor and Commissioners shall meet at the Town Hall, or some other place agreed upon by them, and shall there qualify by taking each an oath to support the Constitution and laws of the State, and to discharge the duties imposed upon them by law with fidelity and to the best of their ability, which oath shall be administered to the Mayor by some Justice of the Peace for said County, or by the former Mayor, or in case of a neglect or refusal by him then by the former Mayor or some Justice of the Peace for said County, and every person so elected Mayor or Commissioner as aforesaid, neglecting or refusing to qualify and serve, shall forfeit and pay the sum of ten dollars to any person who may sue for the same and recover before the Mayor for said Town or any Justice of the Peace for said County: *Provided*, Suit be brought within six months next after the cause of action accrued.

Meet and qualify.

Proviso.

SEC. 8. That the said Mayor shall be invested with all the powers, rights, privileges and emoluments of a Justice of the Peace for Rowan County, except as hereinafter provided and modified, and shall have full power to cause the laws of the State and the ordinances of said Town, made or to be made, to be obeyed and executed, and that all trials before him shall be conducted in the same manner as is or may be prescribed for trials before Justices of the Peace. The Town Clerk shall act as Clerk in his Court, and the said Court shall be a Court of record, and shall be held by

Powers of Mayor.

Clerk and Court.

the said Mayor at least once in every two weeks; that all precepts issued by him shall be directed "to any lawful officer to execute and return in thirty days," and shall be served by the Town Constable, Sheriff, or any Constable of Rowan County. The said Mayor shall be entitled to and demand and receive the following fees, to-wit: For every precept, fifty cents; for every subpoena, twenty cents; for every judgment, one dollar; for every stay of execution, twenty-five cents; for every execution, fifty cents; for every appeal granted, twenty-five cents; for every transcript filed on appeal, one dollar. The Clerk of the said Court shall be entitled to demand and receive the following fees, to-wit: for every prosecution bond, twenty cents; docketing every precept, twenty cents; for all other services in a cause, fifty cents. The said officer shall, in addition thereto, be entitled to demand and receive, for any services not hereinbefore specified, such fees as are or may be prescribed by law for similar services in a Justice's Court. The Board of Commissioners may, if they deem it expedient, allow the said Mayor an annual salary to be fixed by them, to be paid out of the Town Treasury.

Fees of Mayor.

Fees of Clerk.

Commissioners may allow annual salary.

Meeting of Commissioners.

SEC. 9. That the said Board of Commissioners shall meet at the Town Hall, (or some other place appointed by them,) on the last Saturday in every month, and at such other times as may be agreed on from time to time by them; and a majority shall constitute a quorum for the transaction of business.

Appoint Clerk.

SEC. 10. That at the first meeting of said Board of Commissioners after their election, they shall appoint a Clerk, who shall be allowed a reasonable salary to be fixed by said Commissioners, who shall hold his office until the expiration of the official term of said Commissioners, subject, however, to be removed by them at any time, said Clerk shall give a bond, with surety, payable to said Commissioners and their successors in office, in a penal sum to be fixed by them, with a condition for the keeping by him of regular and fair minutes of the proceedings of Commissioners at their meet-

Bound.

ing and the safe keeping of all books, papers and articles committed to his custody during his continuance in office, and their delivery to his successor, and the faithful performance of all his other duties as Clerk which may be imposed upon him by law or the ordinance of said Commissioners.

SEC. 11. That at the same meeting the said Board of Commissioners shall appoint a Town Treasurer, who shall hold his office for the same term, and subject to the removal by the Commissioners for misbehavior. He shall, before assuming his office, give bond, with approved sureties, in a penal sum to be fixed by said Commissioners, payable to said Commissioners and their successors in office, with a condition that he shall receive and faithfully keep all moneys which shall be paid to him on behalf of said Commissioners, and disburse the same according to order given in obedience to the direction of said Commissioners appearing on their minutes. That he shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose. That he shall submit said account to said Commissioners, whenever required to do so, and that he shall pay to his successor, on demand by him, all moneys in his hands belonging to said Commissioners, and that he will faithfully perform all other duties imposed on him as Town Treasurer by law or the ordinances of said Commissioners during his continuance in office. The said Commissioners shall allow the said Town Treasurer reasonable compensation for his services ; that the orders drawn on the Town Treasurer by the Clerk, shall state the purpose to which the money is to be applied, and the said Town Treasurer shall specify said purposes in general terms in the accounts kept by him, and also the sources whence the money received by him are derived ; and said Commissioners shall cause a copy of said account for the year preceding every first day of December, to be made by their Clerk and posted in the Court House in said Town for twenty days next previous to the first day of January in each and every

Treasurer.

Commissioners to
fix compensation.

year, and for breach of their respective duties assigned them in this section, the said Commissioners, Clerk and Town Treasurer shall be liable to indictment.

When liable to in-
dictment.
Report.

SEC. 12. That at the first monthly meeting of said Commissioners, after the appointment of said Clerk and Town Treasurer, those officers shall respectively report to the Commissioners the particulars of their settlement with their respective predecessors in office.

Tax collector.

SEC. 13. That the said Commissioners may also appoint a collector of Town taxes, who shall hold his office for the residue of the term of Commissioners appointing him, and who shall give bond, with approved security, payable to said Commissioners and their successors in office, in a penal sum to be fixed by said Commissioners, with a condition that he will diligently endeavor to collect all taxes imposed by said Commissioners, making use for that purpose of all the power given him by law, and that he will faithfully account for and pay over to the Town Treasurer all sums of money collected or received by him for said Commissioners, first deducting five per centum on his receipts as his compensation; and that he will faithfully discharge all other duties imposed on him as tax collector by law or the ordinance of said Commissioners: *Provided*, Nothing herein contained shall be so construed as to prevent the said Commissioners, shall they so determine, from requiring the Sheriff of said County of Rowan to collect the Town taxes; and the said Sheriff, when so required by said Commissioners, shall be subject to the same penalties, and shall proceed under the same rules and regulations, and shall be invested with the same powers, as he is now subject to and invested by law for the collection of taxes due the State. And the said Town Collector may be removed from office by said Commissioners for malfeasance in office. And the said Commissioners shall have power at any time to abolish this office and devolve the duties thereof upon the Town Constable, who shall be required in that event to give the

Proviso.

bond as hereinbefore prescribed for Town Collector with condition, *mutatis mutandis*.

SEC. 14. That the said Commissioners shall, at their first monthly meeting after their election, appoint a Town Constable, who shall hold his office for the residue of the official term of the Commissioners who appoint him, subject to be removed by them at any time for misbehavior. He shall give a bond, in a penal sum to be fixed by said Commissioners, payable to them and their successors in office, with a condition that he shall obey and diligently execute all lawful precepts to him directed by the Mayor for said Town, and he will faithfully discharge all other duties which may be imposed upon him as Town Constable by law or the ordinances of said Commissioners, and that he will diligently endeavor to carry into effect all such ordinances. It shall be the duty of said Town Constable, in general, to see that the ordinances of said Commissioners are enforced, and report all breaches thereof to the Mayor, to preserve the peace of said Town by the suppression of disturbances, and the apprehension of offenders; and for that purpose he shall have, and he is hereby invested with all the powers now vested by law in Sheriffs and Constables; he shall also have, in the execution of process to him directed by the said Mayor, the same powers which Sheriffs and Constables now have in the execution of like process directed to them; he shall receive a compensation to be fixed by said Commissioners, and the same fees on all processes executed or returned by him which are given to Constables in like process when executed or returned by them.

SEC. 15. That vacancies in the office of Town Clerk, Town Treasurer, Tax Collector and Town Constable, may be filled by said Board of Commissioners at any time.

SEC. 16. That the said Town Clerk shall, within the first seven days in March in each and every year, advertise for four weeks in one or more newspapers published in said Town, or, for want of newspapers, in three or more public places therein, notifying all persons subject to pay a poll

Town Constable.

Bond.

Powers, &c.

Compensation.

How vacancies filled.

Clerk to advertise, &c.

tax to the State (who resided within the limits of the Town on the first day of February immediately preceding, or) who had been principally employed in any profession or vocation in said Town, for three months or more immediately preceding the said first day of February, and all persons who owned or were possessed of taxable property within said Town on the said first day of February, to give in to him before the last day in said month of March, a list of their said polls and taxable property; and it shall be the duty of all such persons to give in said list within the time specified. Said list shall state the number and local situation of the lots or parts of lots given in, with the value at which they are assessed for taxation by the State, and the number of taxable polls. And the list so given in to the Township shall be sworn to before him (and he is hereby authorized to administer the oath) by the persons giving in the same. The said list shall be filed, and from the same the said Town Clerk shall, within twenty days from the said last day of March in each and every year, make in a book to be kept for that purpose, an alphabetical list of the persons and owners of property liable to taxation, in the same manner as tax lists are now made out by law for collection of State taxes. The said Clerk shall also, within twenty days from the said last day of March in each and every year, make out to the best of his knowledge in the same book, a list of taxable polls and of the owners of taxable property within said Town, who have failed to give in a list in the manner and within the time prescribed above; and he shall state in said list, if he can ascertain the sum at which the said property is assessed for taxation by the State, and if the said Clerk cannot ascertain the sum at which said property is assessed for taxation by the State, he shall call on two citizens in said Town to value the said property, and they shall be sworn by the Mayor, or some Justice of the Peace, to make a fair valuation; and the said Clerk shall annex their valuation to said property. That all persons who shall fail to give in tax list in the manner

and within the time above prescribed, shall pay a double tax for that year, the amount of which double tax shall be stated by said Clerk in his said list.

SEC. 17. That on or before the first day of May in each year the said Board of Commissioners shall cause the said Town Clerk to make a fair copy of said list; they shall deliver the said copy to the tax collector if one shall have been appointed, and if not, to the Town Constable, together with a warrant thereto annexed, under the hands and seals of a majority of them authorizing and commanding the tax collector or Town Constable, as the case may be, to collect the taxes in said list mentioned by distress or sale, and to make return thereof, and of said warrant, on a certain day to be therein mentioned; and the said tax collector or Town Constable, as the case may be, is hereby invested with all the powers and authority for the collection of such taxes which Sheriffs have, or may have, for the collection of State taxes, and the said tax list and warrant shall have the force and effect of a judgment and execution for the amount of taxes therein mentioned.

Clerk to make list and deliver same to Treasurer.

SEC. 18. That the said Board of Commissioners shall have the power annually to levy and cause to be collected, in the manner above prescribed, the following taxes, to-wit: a tax not exceeding one dollar on every hundred dollars' value of all the lots and parcels of lots and other real estate, with the improvements thereon, situated within the limits of said Town; a poll tax not exceeding two dollars on every poll liable to pay a poll tax to the State, who shall reside or be principally employed in said Town for three months next preceding the first day of February, in each and every year; a tax on all dogs kept in said Town, not exceeding one dollar on each; a tax on all cellars, stoops, steps, porches or piazzas, encroaching more than three feet on the public street or sidewalk, not exceeding one dollar; a tax on all itinerant merchants, itinerant auctioneers and pedlars, not exceeding one hundred dollars, nor less than twenty-five dollars on each: *Provided*, That no tax shall

Power of Commissioners to levy taxes.

Real estate.

Polls.

Dogs.

Cellars, &c.

Merchants, auctioneers, &c.

Proviso.

Retailers.	be imposed on persons who shall sell books only ; on all licensed retailers of spirituous or alcoholic liquors, a tax not exceeding fifty dollars ; on all venders of wines, cordials or other spirituous, alcoholic or malt liquors, by the measure of a quart or more, a tax not exceeding fifteen dollars ; on all billiard tables, a tax not exceeding fifty dollars ; on all ten-pin alleys, a tax not exceeding fifty dollars ; on all public drays and carts, wagons and omnibuses, a tax not exceeding ten dollars ; on every keeper of a common inn, ordinary, tavern or hotel, a tax not exceeding twenty-five dollars ; on all bankers, brokers, money or exchange dealers, a tax not exceeding fifty dollars ; on all bank agencies, a tax not exceeding fifty dollars ; on all insurance companies, or their agents, a tax not exceeding twenty-five dollars ; on all lecturers for reward (unless the reward be wholly devoted to some literary or charitable purpose,) a tax not exceeding five dollars ; on all photographers or likeness-takers of any sort, a tax not exceeding ten dollars ; on all resident practicing lawyers or physicians, a tax not exceeding five dollars ; on all resident dentists, a tax not exceeding five dollars ; on all State or County officers, or agents of incorporated Companies, whose salaries or fees shall amount to three hundred dollars, and which shall not be herein otherwise taxed, a tax not exceeding five dollars ; on all riding or pleasure vehicles in use during the year, a tax not exceeding one dollar ; on all gold watches, except when part of stock in trade, a tax not exceeding one dollar ; on all silver watches, except when part of stock in trade, a tax not exceeding fifty cents ; on all piano fortes (except those used in schools,) a tax not exceeding one dollar ; on all pistols, except when part of stock in trade, a tax not exceeding one dollar ; on all dirks, bowie-knives and sword canes, if worn about the person at any time during the year, a tax not exceeding ten dollars ; on every merchant, merchant tailor, or jeweler, who shall sell goods, wares or merchandise, a tax of one-fourth of one per cent. on his capital,—the capital aforesaid shall be the aggregate sum of his purchases
Billiard tables.	
Ten pin alleys.	
Drays.	
Hotels, &c.	
Brokers, &c.	
Insurance Companies.	
Lecturers.	
Photographs.	
Lawyers and Physicians.	
Officers and Agents.	
Vehicles.	
Watches.	
Pianos.	
Pistols and knives	
Merchants.	

of his goods, wares and merchandise, made within the year ending the first of February: on every commissson merchant a tax of one-half of one per cent. on the commissions received by him during the year ending the first of February; on every resident auctioneer, one-fourth of one per cent. upon the amount of all sales made by him during the year ending the first of February: *Provided*, That no tax shall be levied on sales made under an execution or an order issuing from any Court, or from a Justice of the Peace, or by any executor, administrator, guardian, receiver, trustee, assignee, or other officer of the law; on the business of selling or bartering buggies, sulkies, carriages, or any other riding or pleasure vehicle, manufactured without this State, or from materials brought into the State, a tax not exceeding twenty-five dollars; on each and every pack of playing cards, sold during the year ending the first of February, a tax on the seller not exceeding ten cents; on all barber shops, a tax not exceeding five dollars; on all ice cream saloons, a tax not exceeding ten dollars; on every public eating house, restaurant or eating saloon, not connected with a retail liquor shop, on all lumber yards, on all grist or saw mills, on all machine shops with an engine attached, a tax not exceeding twenty-five dollars on each; on all tan-yards, on all plank-kilns, if allowed by the Commissioners within the corporate limits of the Town, on all brick yards, on which brick is made during the fiscal year, a tax not exceeding twenty-five dollars on each; on every druggist or apothecary, a tax of one-fourth of one per cent. on his capital,—the capital aforesaid shall be the aggregate amount of the purchases of drugs, paints, oils and dye-stuffs and other goods, wares or merchandise, for the year ending first of February, excepting therefrom alcoholic, spirituous and malt liquors, upon which, if sold by the measure of a quart or more, a tax not exceeding twenty-five dollars, as a specific tax in addition thereto; on every express company, having an office or resident agent or officer doing business within the corporate limits of the Town, a tax not exceed-

Proviso.

Bartering.
Carriages, &c.

Playing cards.

Barber shops.

Saloons.

Lumber yards.

Mills and machine
shops.

Tan yards, &c.

Brick yards.

Apothecaries.

Express and other
Companies.

ing fifty dollars ; on all other companies whatever, incorporated or not, and not taxed by this or some other act, having an office, resident agent or officer doing business within the corporate limits of the Town, except telegraph companies, a tax not exceeding twenty-five dollars ; on each and every person or company, as the case may be of stage players, sleight-of-hand performers, rope-dancers, wire-dancers, tumblers, circus-riders or equestrian performances, and on each and every person who shall exhibit artificial or natural curiosities, of any sort or kind, for reward (except models of useful inventions,) on every exhibition of any performance or show for the amusement of the public for reward, a tax not exceeding twenty-five dollars on each, if exhibited within said Town, or within one mile of the limits thereof.

Stage players, &c.

May tax other professions.

SEC. 19. The Commissioners shall also have power to levy and cause to be collected a tax on any other profession, employment, trade, calling, business, occupation or pursuit whatsoever, not hereinbefore named and authorized to be taxed, the tax not to exceed in any one case twenty-five dollars.

Tax for other purposes.

SEC. 20. The Commissioners shall also have power, whenever in their discretion the health or safety of the Town shall demand it, to levy and cause to be collected a special tax on the real estate, and all other subjects of taxation of the Town, in addition to that hereinbefore prescribed, as shall in their judgment be sufficient to meet the exigency.

Rules and regulations.

SEC. 21. The Commissioners shall have power to make all necessary and proper rules, regulations or ordinances for the listing, laying and collecting the taxes aforesaid, and in their discretion shall have power to remit in whole or part, the taxes of any person, whether the same shall have been collected or not, and in case the tax shall have been collected, to cause so much of the same as shall have been remitted to be refunded.

In case of fire.

SEC. 22. That in case of a fire occurring in said Town, it shall and may be lawful for the Mayor, or in his absence,

two Commissioners, to order the blowing up, pulling down, or destroying any house or houses which he or they shall deem expedient to be blown up, pulled down or destroyed, for the purpose of stopping the progress of the fire, and no person or persons whatsoever shall be held liable, civilly or criminally, for acting in such cases in obedience to such orders.

SEC. 23. That the said Board of Commissioners shall have power to authorize in such manner as they may ordain, the formation of one or more volunteer fire companies in said Town, to be attached to an engine or engines which may belong to the corporation thereof, or to one or more individuals. They may enact by-laws for the government of said Companies, which, when adopted by any Company, the members thereof shall be governed by the same, and be liable for the fines and penalties thereby incurred. Any volunteer fire Company so formed, shall be entitled to elect its own officers, and the members thereof shall be exempt from military duty, except in cases of insurrection, invasion or draft in time of war.

Fire Companies.

SEC. 24. That the said Board of Commissioners shall have power to organize a police force for said Town; that said police, when on duty, shall have all the powers which patrol now have by law, and for the suppression of riots and disturbances, and the preservation of the peace and quiet of said Town, all the powers now vested in Constables as peace officers, and pay them out of the Town Treasury.

Police force.

SEC. 25. That the said Board of Commissioners shall have power by ordinance to prohibit all persons recently from any place or places where an infectious or contagious disease is believed to exist, or recently to have existed, from entering, and all goods and chattels from being brought from said place or places within said Town, and by ordinances to fix a penalty for the breach of any of the rules established by them upon this subject, which penalty shall be recovered from any and all persons who are liable thereto, by action

Power concerning
contagious diseases.

of debt, in the name of the Commissioners for the Town of Salisbury, in any Court having competent jurisdiction. The said Commissioners shall also have power to take such other precautionary measures to prevent the introduction of infectious or contagious diseases in the said Town, as they may deem expedient ; said Commissioners, upon the certificate of a physician that a dangerous and infectious or contagious disease is existing in any house within said Town, or in case the occupier of any house, suspected to contain such disease, shall forbid or prevent the visit of a physician sent by said Commissioners for the purpose of examination, shall also have power to forbid and prevent all persons from leaving said house and its enclosures, and take such other steps to prevent communication with the person so infected, and to arrest the spread of the disease as they may deem expedient, and to impose such penalty or penalties for the breach of their ordinance or ordinances made for that purpose, as they shall think proper.

Duty concerning streets.

SEC. 26. That it shall be the duty of said Board of Commissioners to keep the streets of said Town in good order, and they shall have the power to cause said streets to be drained, graded and paved, and to cause all accumulation of dirt or filth to be removed from them. That said Board of Commissioners shall have control over the public wells of said Town, and it shall be their duty to cause them to be repaired and kept clean and in good condition and provide new ones when necessary.

Concerning public Cemeteries.

SEC. 27. That said Board of Commissioners shall have power to regulate the manner and terms on which bodies may be interred in the public cemeteries within or near said Town, and to keep the same in due order and repair, and also to purchase, when they deem it proper, a piece of land within or beyond the limits of said Town as a public cemetery ; they shall also have the power to forbid any and all interments of dead bodies within the limits of said Town whenever they shall think it expedient so to do.

SEC. 28. That said Board of Commissioners shall have power to acquire by purchase any piece or pieces of land as public squares for said Town, and also to acquire any pieces by purchase or lease as sites for markets or other buildings for the use of said Town.

Concerning public squares.

SEC. 29. That said Board of Commissioners shall have power to make, from time to time, rules and regulations concerning the firing of fire-arms within said Town; the pace and speed at which horses may be ridden and driven through the streets of said Town, the arrangement of stove-pipes in buildings, and the mode in which fire shall be kept or carried through said Town, so as to prevent accidents from carelessness or negligence or indiscretion; to regulate the manner in which powder and other explosive and inflammable substances may be kept and sold within said Town; to regulate the manner in which dogs and goats may be kept in said Town; to prevent hogs from running at large in said Town, whether said hogs shall belong to persons residing within or without said Town; to prevent hogs from being confined in lots or pens in said Town during the summer and fall months; to cause all lots, cellars, privies, stables and other places of like character to be visited and examined by the Town Constables or other persons at any and at all times from the first day of June to the first day of November in each and every year, and upon his written report that any of the above places is or are a nuisance, to cause, by their order, the Town Constable to have the said place or places cleansed and the nuisance abated, and the said Town Constable shall have power to enter the premises described in the said order and to perform the injunctions of the same, and the said Commissioners shall have the power to recover the expenses of abating said nuisance from the occupier or owner of said premises by suit in any Court having competent jurisdiction; said Board of Commissioners shall have further power to prohibit all trades or occupations, which are nuisances, from being carried on in said Town, or to regulate the manner

Power to make rules and regulations.

in which they shall be carried on so as to mitigate the nuisance. They shall also have the power to cause all ponds or sunken lots in which water stands and stagnates within said Town to be drained and filled up, and to recover from the owner or occupier of the lands or lots aforesaid the expense of such drainage or filling up, which expense shall be a lien on the lot or land so drained or raised; *Provided always*, That the owners or occupiers of said lands or lots shall have had three months' notice, in writing, of the intention of said Commissioners, and shall have during that time neglected or refused to drain or fill up said ponds or sunken lots. They shall further have power to cause all nuisances, whether arising from stagnant pools or ponds of water, or from any other cause, without the limits of said Town, but sufficiently near to affect the health of the inhabitants of said Town, to be removed or abated, and to pay for the removing or abating of any such nuisance above described out of any moneys in the Treasury of said Town. The lien above provided for shall be enforced by a notice to the owner, and in case of non-resident owners by advertisements as in cases of attachment returnable into the Mayor's Court and judgment obtained thereon for the amount of said expense, which judgment shall have the like force and effect of a judgment for the amount assessed in favor of the lessor against the greater dividend in proceedings for partition of land.

Power to regulate
sale of provisions.

SEC. 30. That said Commissioners shall have power to regulate the manner in which provisions may be sold in the streets and markets of said Town, and to regulate the manner in which the public markets and streets in said Town may be used; and to fix penalties for the breach of their ordinances, which shall be recovered in the name of the Commissioners of the Town of Salisbury, before any Court having competent jurisdiction.

Concerning license
retailers.

SEC. 31. No one shall be entitled to receive a license to retail spirituous liquors by the small measure in said Town, or in one mile of the limits of said Town, who shall not

have first obtained from the Town Clerk a certificate of the assent of said Board of Commissioners to his obtaining said license, which certificate shall be *prima facie* evidence of good moral character in the applicant, so as to supersede the necessity of proof by two witnesses as now required. And it shall be lawful for said Board of Commissioners to require the said applicant to pay to the Town Treasurer a sum not exceeding ten dollars before the said Town Clerk shall give the certificate of assent by the said Board of Commissioners.

SEC. 32. That all the forfeitures and penalties which are imposed by this act, or which shall or may be imposed by the ordinances of said Board of Commissioners, and which are not hereby, or shall not be by said ordinances, directed to be recovered in any other manner or to any other use, shall be sued for and recovered in the name of the Commissioners for the Town of Salisbury; and all forfeitures so recovered, shall be paid to the Town Treasurer, for the use of said Town.

Penalties.

SEC. 33. That the Board of Commissioners of the Town of Salisbury, shall annually, at their first meeting regular in the month of February, appoint three citizens of said Town, whose duty it shall be to assess the taxable real estate lying within the corporate limits of the Town of Salisbury, and they shall make a list thereof, together with the names of the owners of said property, and shall return it to the Clerk on or before the next regular monthly meeting of the Board, and the taxes laid by the Commissioners on the real estate of the Town of Salisbury, shall be collected according to the assessment made by the assessors appointed under this act.

Assessors.

SEC. 34. That before proceeding to make the assessment provided for in the preceding section, the citizens shall be duly sworn before some Justice of the Peace of Rowan County, to discharge faithfully and impartially the duties imposed upon them by this act.

To be sworn.

SEC. 35. That the corporate limits of the Town of Salisbury.

Corporate limits.

bury shall hereafter be as follows: Begin at the centre of the site of the old Court House, and run four lines, one north of west along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another south of east, along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another north of east, along and parallel with the street, three thousand one hundred and fifty-five (3,155) feet; another south of east, along and parallel with the street, three thousand six hundred and fifty-five (3,655) feet. And the corporate limits of said Town shall be comprised within a parallelogram included within four lines, run at right angles to said lines at the termination thereof, and extending each way until they intersect each other respectively.

Power to subscribe for stock.

SEC. 36. That the Commissioners for the Town of Salisbury shall have power and authority to subscribe for stock in the Salisbury Gas Light Company, or contribute in any other way they may deem advisable to the erection of and keeping up in said Town of Gas Light Works, a sum not exceeding four thousand dollars; and such investment to be held by said Commissioners for the use and benefit of the Town of Salisbury.

Power to execute bonds.

SEC. 37. That the said Commissioners, to enable the Town to meet the payment of such sum or sums as they may subscribe for stock in said Gas Light Company, or in any other form contribute to the erection of Gas Light Works in said Town, are hereby authorized and empowered from time to time, and whenever they may choose to make, execute and deliver bonds of the said corporation of the Town of Salisbury for the payment of such sums as they may think proper, not exceeding in the aggregate the sum of four thousand dollars, which said bonds shall be signed by the Mayor of said Town and sealed with the corporate seal of the Commissioners aforesaid.

Size of bonds.

SEC. 38. That the bonds so authorized to be issued shall be for sums not less than five hundred nor more than one thousand dollars each, shall bear interest at the rate of six

per cent. per annum, may have attached to said bonds semi-annual coupons signed by the Treasurer or Clerk of the Town for the interest on said bonds, and said bonds shall be payable not less than five nor more than twenty-five years from their date, and the interest on such bonds shall not be subject to the tax of any kind.

SEC. 39. That the said Commissioners shall from year to year and every year be authorized, empowered and required to levy and collect by taxation on all polls and property within said Town which is now or may hereafter become taxable, such an amount as may be sufficient to pay the interest on, and provide a sinking fund for the liquidation and payment of the principal of the bonds authorized to be issued by this act.

Power to collect taxes.

SEC. 40. That the Commissioners of the Town of Salisbury are hereby authorized and empowered to lay out and establish such streets within the corporate limits of said Town as to them shall seem to be required for the comfort and convenience of the citizens of said Town, and from time to time as to them shall seem necessary, shall cause such streets so laid out and established to be opened, and when the same are so opened, all laws and clauses of laws, and all ordinances of said Commissioners, now or hereafter to be made in reference to the streets of said Town shall apply to and have full force and effect over and within each one of said streets so opened and established; and they shall be further empowered to straighten, widen, or close such streets as they shall deem necessary to the general good of the Town, and in conformity with some general plan for laying out and extending the Town to the outer limits provided for by this charter.

Authorized to lay out streets, &c.

SEC. 41. That in all cases in which the owner or owners of the land which may be necessary for any street proposed to be established, to be straightened, widened or closed up by such Commissioners by virtue of this act claim compensation for the use of such land as a street, or for damage done said owner or owners by the straightening, widening

When purchase of lands cannot be agreed on between parties.

or closing of said street the Mayor of said Town shall issue his warrant to the Sheriff of the County of Rowan, commanding him to summon twenty citizens of said Town, who are unconnected by consanguinity or affinity with the owners of the land required for such streets, or with the owners of the lands in the vicinity of the same, to meet at the Court House of said County, at a day to be named in said warrant, when and where the said Sheriff, or his lawful deputy, shall proceed from the persons summoned, to draw a jury of twelve persons, to each and every one of whom the said Sheriff, or his lawful deputy, is hereby authorized, empowered and required to administer the following oath, to wit: "I, . . . , do solemnly swear that I will fairly and impartially, and to the best of my ability and skill, assess the damages that may be sustained by the owner or owners of any land in the Town of Salisbury, required to be used for any street, or part of any street, to be established and opened by the Commissioners of said Town or the damage sustained by the owner or owners of land adjacent to any street proposed by said Commissioners to be closed, and which I may be called on to view." And the said jury, attended by the Sheriff, or one of his deputies shall thereupon proceed to view the land required for such street or streets, the straightening, widening or closing of the same, required by this section, and also the several lots or parts of lots adjacent to or in the vicinity thereof, and shall be required by the said Sheriff or his deputy, who shall have the jury in charge to make the assessment required by them on oath as aforesaid, and return the same to the Sheriff or his deputy, who shall therefrom reduce his proceedings, under the said warrant from the Mayor of said Town, and the verdict and findings of the jury to writing, and return the same to the said Mayor, who shall file the same in the office of the Commissioners aforesaid, and upon payment or tender of payment by the Commissioners aforesaid through their Treasurer to the owner or owners of said land required for any street as aforesaid, or the damages done by the closing of

such street as aforesaid of the damage to each owner or owners assessed as aforesaid, it shall be lawful and right, and the said Commissioners are hereby authorized and empowered to cause such street or streets to be opened and kept open, closed and kept closed, and the same shall forever thereafter be possessed by and vested in such Commissioners, and it shall be the duty of the Sheriff to give the owners and tenants in possession of any land required for any of the aforesaid purposes at least ten days' notice of the time when such land so owned or possessed by them respectively as aforesaid, shall be viewed, and when the assessment as aforesaid shall be made by the jury as hereinbefore provided, and it shall be the duty of said Commissioners to give public notice, by advertisement, in one or more newspapers published in said Town, of the opening, straightening, widening or closing of any street so published by them as aforesaid, and any person or persons, who shall make claim of compensation for the use of land belonging to them as such street, or for damages done to them by straightening, widening or closing such street, one year after the same shall have been opened, widened, closed or straightened, and the aforesaid notice in manner aforesaid given, shall be forever thereafter barred of any such right to compensation unless the owner or owners of such land shall be an infant, absent from the State, *non compos mentis* or a *feme covert*, in which case such owner or owners shall have the right to make such claim at any time within one year after such disability shall be removed, and the said Commissioners shall have the right by their agents or servants, to enter upon, and open and keep open any street established by them, except in such cases where the land required for such street shall be enclosed or some building or improvement shall be situated thereon, in which case the said Commissioners shall have no right of entry on such land until the same has been condemned as is hereinbefore provided, and the damages assessed have been paid or tendered to the owner or owners of the same.

Fee of Sheriff.

SEC. 42. That the Sheriff of the County of Rowan shall be entitled to the sum of five dollars, to be paid by the Commissioners of said town, in full payment for the general services to be performed by him as hereinbefore set forth, under such warrant to him directed, by virtue whereof a jury shall be summoned as aforesaid; and if any person summoned to attend as a juror for the purposes aforesaid, shall fail to attend and discharge the duties required of him, as aforesaid, such person, so failing, shall pay the sum of five dollars, to be collected by the Sheriff aforesaid, by distress or otherwise, for the use of the Commissioners of the Town of Salisbury, unless such juror shall, for good cause for such failure shown to said Commissioners, be released from the payment of the same.

Appeal.

SEC. 43. That either party, who may be dissatisfied with the verdict rendered by the jury, to assess damages as provided for in the forty-first section of this act, shall have the right to appeal to the Superior Court of the County of Rowan.

When fences, &c.
joint expense.

SEC. 44. That all partition fences between the lots of individuals of said Town, and occupied by both parties, or their tenants, or the same being beneficial to both parties, shall be at their joint expense, and either party so putting up or repairing such fences, may recover out of the owner or owners of such lot or lots adjoining, the ratable proportion of such expense of such fence: *Provided however,* That the same does not exceed a common board fence, six feet high.

Act of 24th day of
July not applying to
Salisbury.

SEC. 45. That section second (2d) of an act of the General Assembly, passed at the present session, ratified the twenty-fourth day of July, eighteen hundred and sixty-eight, and entitled "An act in relation to provisional municipal officers," shall not be construed to apply to the Town of Salisbury.

Repealed.

SEC. 46. That all laws, whether of a public or private character, heretofore enacted in reference to the Town of Salisbury and the corporation thereof, and which in any

wise conflict with any of the provisions herein contained, be and the same are hereby repealed.

SEC. 47. The Commissioners of Salisbury shall extend the corporate limits of said City, as follows: Commencing at the north corner of said City and extend the line running north-west and south-east, one-half mile north-west; then commence at the south corner of said City and extend the line running south-west and north-east, one half mile south-west, then running parallel with the present or old lines on the northwest and southwest portions of the City, until the new lines form a junction.

Corporate limits extended.

SEC. 48. This act shall be in force after the same shall have been submitted to the qualified voters of the said Town for ratification or rejection, and if a majority of the qualified voters ratify the same, then this charter shall be in force, otherwise to be void and of no effect.

When in force.

SEC. 49. That the Commissioners of said Town shall have power to adopt a tariff of freight, applicable to the government of all public carts, wagons, drays and omnibuses of said Town.

Tariff.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXIV.

AN ACT TO CHARTER THE BANK OF CUMBERLAND.

SECTION 1. *The General Assembly of North Carolina do enact*, That a Bank be established in the Town of Fayetteville, County of Cumberland, and State of North Carolina, to be styled "The Bank of Cumberland," the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and for receiving subscriptions to said stock, books shall be opened of Fayetteville on the fourth Monday in April, eighteen

Capital stock.

hundred and sixty-nine, under the supervision as Commissioners of R. P. Buxton, T. A. Byrnes, and T. S. Lutterloh, and when three hundred shares shall have been subscribed and the money paid, the stockholders may meet at a time and a place they may appoint, and elect three Directors, who shall serve one year and until their successors shall be elected and enter upon the discharge of their duties, and said Directors shall elect one of their number to be President during their term of office.

Laws, &c.

SEC. 2. Said President and Directors shall and may adopt and use a common seal and alter the same at pleasure, may make and adopt proper and necessary laws for their government, may appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof. Said Bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity, except for taxes, and shall pay to the State an annual tax on each share of one hundred dollars, a sum equal to that charged by the State on other property of the same value.

Lien on stock.

Discount notes,
&c.

SEC. 3. That said Bank may discount notes and other evidences of debt, receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin and bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real and personal estate and property as may be conveyed to secure debts, and may sell and convey the same. It may receive on deposit any and all sums of money, on terms to be agreed upon by the officers and depositors, minors, apprentices and *feme covert*s, may deposit therein and control the deposit so made for their own separate use, free from all other control or contract whatever, and may receive on deposit monies held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rate of interest as may be agreed upon by the officers of the bank and the depositors,

Deposits.

not to exceed the legal interest, which certificates shall be assignable and transferable under such regulations as may be prescribed by the President and Directors, and all certificates or evidences of deposit signed by the proper officers of the Bank, shall be as binding as if under the seal of the Bank.

SEC. 4. The President and Directors shall annually appoint the time and place of holding the election for their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote. Election.

SEC. 5. This act shall be in force and effect from the date of its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXV.

AN ACT TO INCORPORATE THE HALIFAX COUNTY CO-OPERATIVE BUSINESS COMPANY.

*Introduced by
Sen. Barrow.
Apr. 5.*

SECTION 1. *The General Assembly of North Carolina do enact,* That the following named persons, viz: Chas. Smith, Reddick Barnett, Robert Howard, Henry Eppes, Andrew Jackson, W. T. J. Hayes, and Robert Knight, their associates, successors and assigns, are hereby constituted a corporation and body politic, under the name and title of the "Halifax County Co-operative Business Company." Body corporate.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, to make advances of money or other things, on such terms and such securities, real or personal, as may be agreed on, to grow and sell fruits and vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to buy and sell goods, wares and merchandise, and to take Power to buy, sell, &c.

measures in carrying out any purposes connected with the business of said Company.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of ten dollars each.

When business
may be commenced.

SEC. 4. The said corporation shall have power to commence business when one hundred shares of stock shall have been taken up and paid in.

Officers.

SEC. 5. The officers of said corporation shall be a President, Vice President, Secretary and Treasurer, who shall be elected by the stockholders, and shall continue in office until their successors are chosen, and who shall constitute a "Board of Directors," in the management of the business of the said corporation, under such restrictions and laws as the stockholders may enact.

By-laws.

SEC. 6. The stockholders of said Company shall make such Constitution and by-laws for the regulation thereof, as they may deem fit, not inconsistent with the laws of the State.

Powers, &c.

SEC. 7. The said corporation shall have the power and privileges granted by the general law of corporations, or which shall be hereafter granted.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXVI.

AN ACT TO AMEND AN ACT TO CHARTER THE BANK OF GREENSBORO'.

Amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of an act entitled "An act to charter the Bank of Greensboro," passed April the seventh,

eighteen hundred and sixty-nine, be so amended as to read the "second Monday in April," instead of the "second Monday in March," eighteen hundred and sixty-nine.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER LXXVII.

AN ACT TO RE-ENACT THE CHARTER OF THE TOWN OF MAGNOLIA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the late charter of the Town of Magnolia be and the same is hereby re-enacted. Re-enacted.

SEC. 2. That the Governor appoint a Mayor and six Commissioners for said Town of Magnolia, whose term of office shall commence with their appointment and continue until the first Tuesday in February, Anno Domini, eighteen hundred and seventy, when the regular elections of municipal authorities shall be resumed, according to the provisions of said charter. Governor to appoint Mayor and Commissioners.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXVIII.

AN ACT TO INCORPORATE UNION LODGE, NUMBER ONE HUNDRED AND SEVENTY-THREE, OF ANCIENT YORK MASONS, IN THE COUNTY OF FORSYTH.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of Union Lodge, number one hundred and seventy-three, of Free and Accepted Masons, at Kernersville, in Forsyth County, be and they are hereby constituted a body politic and corporate, by the name and style of the Union Lodge, number one hundred and seventy-three, of Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXIX.

AN ACT TO INCORPORATE THE TOWN OF BOONE HILL, IN THE COUNTY OF JOHNSTON.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Boone Hill, in the County of Johnston, be an incorporated Town under the general law of the State, chapter 111, of the Revised Code of North Carolina.

SEC. 2. The corporate limits of said Town shall be a square, the sides of which shall be one-half mile in length, and the centre of which shall be the Rail Road warehouse, at the present depot known as Boone Hill.

Limits.

SEC. 3. The authority formerly exercised over Towns by the late County Court, under said chapter one hundred and eleven of the Revised Code, shall be exercised in relation to the said Town of Boone Hill by the County Commissioners of Johnston County.

Authority vested in Commissioners.

SEC. 4. The said chapter one hundred and eleven is hereby declared to be in force only so far as the same is consistent with the present Constitution of this State.

How far declared in force.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXX.

AN ACT TO INCORPORATE THE GUILFORD COUNTY CO-OPERATIVE BUSINESS COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following-named persons, viz: George Dixon, G. Wm. Welker, A. W. Tourgee, Herman Unthank, W. A. Caldwell, Jonathan Harris and David Hodgin, their associates, successors or assigns, are hereby constituted a corporation and body politic, under the name and title of the Guilford County Co-operative Business Company.

Body corporate.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, to make advances of money or other things, on such terms and such securities, real or personal, as may be agreed on, to grow and sell fruits and vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to

Power to buy, sell, &c.

buy and sell goods and wares and merchandise, and to take measures in carrying out any purposes connected with the business of said Company.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of ten dollars each.

When to commence business.

SEC. 4. The said corporation shall have power to commence business when one hundred shares of stock shall have been taken up and paid in.

Officers.

SEC. 5. The officers of said corporation shall be a President, Vice President, Secretary and Treasurer, who shall be elected by the stockholders, and shall continue in office until their successors are chosen, and who shall constitute a Board of Directors in the management of the business of the said corporation, under such restrictions and laws as the stockholders may enact.

By-laws.

SEC. 6. The stockholders of said Company shall make such constitution and by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the State.

Powers and privileges.

SEC. 7. The said corporation shall have the power and privileges granted by the general laws of corporations, or which shall be hereafter granted.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXI.

AN ACT TO ENABLE THE COMMISSIONERS OF ELIZABETH CITY
TO COLLECT TAXES.

Failure to pay tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person shall fail to pay the poll tax levied

by the Commissioners of the Town of Elizabeth City, when the same is demanded by the officers authorized to collect it, such person shall work on the streets of said Town for three days to pay said poll tax.

SEC. 2. That it shall be the duty of the Town Constable of said Town to summon said delinquent to work, and on his failure to obey said summons said Constable shall arrest him and make him work under guard the number of days required by this act.

Town Constable
to summon, &c.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXII.

AN ACT TO INCORPORATE THE REAL ESTATE LOAN COMPANY OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, Dr. J. Dwinelle, William Sloan, T. J. Jones, Edward L. Hayes, Jr., T. M. Smith, L. G. Estes, J. H. Davis, H. Downing, D. L. Russell, Alfred Dockery, Jo. W. Holden and Fred. F. French, together with such other persons as they may hereafter associate with themselves and their successors, are hereby constituted and declared a body politic and corporate under the name and style of Real Estate Loan Company of North Carolina.

Body corporate.

SEC. 2. The capital stock of said Company shall not be less than two hundred thousand dollars nor more than two millions of dollars, and shall be divided into shares of one hundred dollars each; five dollars on each share subscribed shall be paid at the time of subscribing, and the residue of the amount subscribed at such time and in such proportions as the Company may deem proper, but for all amounts sub-

Capital stock.

scribed and not paid in within ninety days after the first meeting of stockholders bonds bearing interest shall be given, payable at such time and in such proportion as the Company may deem proper, and each bond be secured by real estate double the amount of the bond secured by it.

Banking business
authorized.

SEC. 3. The said Company shall be and is hereby authorized to carry on the general banking business of a Bank of Discount and Deposit, and may buy, sell, guarantee and negotiate bonds, notes, bills of exchange and other evidences of debt, and may buy and sell bullion, coin and bank notes, and may receive deposits and make discounts, and receive interest in advance on their discounts, which interest shall not exceed the legal rates.

Bonds.

SEC. 4. In connection with their banking business the Company shall be and they are hereby authorized to receive bonds bearing interest, of any person or persons whomsoever, secured by real estate double in amount the amount of the bonds secured by it for such sums as they may deem proper, principal payable in equal semi-annual installments, and all accrued interest semi-annually and give in exchange for said bonds the obligations of the Company which shall be styled and so expressed on the face of the obligations, "Secured obligations of the Real Estate Loan Company of North Carolina," payable in such amounts, not less than one hundred dollars each, as they deem proper, but in no case to exceed in amount the amount of the bond for which they are given in exchange with coupons for semi-annual interest attached, for which exchange the Company may charge a commission not exceeding two per centum on the amount of the bonds received and the costs of stamps and of assessments of real estate when made. And the bonds thus received by the Company shall be set apart, held and pledged to secure the payment of the secured obligations of the Company to the holders thereof, and that the said bonds are so set apart, held and pledged shall be expressed in writing on the face of each of said bonds and attested by the signature of President of the

Bonds set apart.

Company before the secured obligations are issued and delivered in exchange therefor: *Provided, however,* That the Company may at all times collect and receive payments in whole or in part of said bonds and the amount of the payments on account of the principal of said bonds to the purchase of their outstanding secured obligations, so that the amount of the secured obligations outstanding and the amount due on the bonds hypothecated to secure them, shall at all times be kept equal, or as nearly so as practicable. Secured obligations of the Company, purchased by amounts received in payment of bonds as thus authorized, so soon as purchased shall be cancelled, and shall not be re-issued.

SEC. 5. No secured obligations shall be issued by the Company save by order of the Board of Directors and in exchange for bonds secured by real estate as above authorized or on the pledge of bonds given on account of subscription to the capital stock, which they are hereby authorized to do. Said bonds shall be set apart, held and pledged to secure the payment of the secured obligations of the Company to the holder thereof, and that they are so set apart, held and pledged shall be expressed in writing on the face of each bond thus made the basis of issue, and attested by the signature of the President of the Company before the secured obligations are issued, and the said bonds so pledged shall thenceforth be held, treated and considered, to all intents and purposes, as bonds received in exchange for secured obligations of the Company: *But it is provided,* That no secured obligations of the Company, issued on the basis of bonds given on account of subscription to the capital stock of the Company, shall be disposed of by the Company at less than its par value; but nothing in this proviso shall restrict the Company from hypothecating said secured obligations as securities for the payment of any debt or liability of the Company.

SEC. 6. Outstanding secured obligations of the Company may at any and all times be received for renewal and can-

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Secured obligations.

Proviso.

Outstanding secured obligations.

celled and other secured obligations issued to the holders in lieu thereof: *Provided*, The amount of the secured obligation or obligations issued do not exceed the amount of those received for renewal and cancelled, and the registry of each secured obligation issued in lieu or renewal of secured obligations thus received for renewal and cancelled shall state the numbers, dates and amounts of the secured obligation or obligations in lieu or renewal of which it is issued. The Company shall issue their secured obligations in lieu of outstanding secured obligations which have been lost or destroyed, of the same numbers, dates and amounts with those lost or destroyed, on satisfactory proof of the loss or destruction, and on receiving such proper indemnity as they may require, and the secured obligations thus issued shall be registered and issued as duplicates for secured obligations lost or destroyed as the case may be.

SEC. 7. The value of the real estate securing the bonds given on account of subscription to the capital stock of the Company, and received in exchange for secured obligations of the Company, shall be the assessed value as appearing on the assessment books of the Cities, Towns and Counties where the real estate is located, save in cases where the assessed value on the assessment books shall not be considered as representing the fair, *bona fide* value of the real estate; in such cases the value shall be the valuation under oath by assessors appointed by the Company, which appointment they are hereby authorized to make; and the report of valuation made by said assessors shall be filed with the bond secured by the real estate assessed by them in each case.

SEC. 8. The custody of all bonds set apart, held or pledged as security for the payment of the secured obligations of the Company, as also of all secured obligations of the Company which have been purchased or received for renewal and cancelled, or have matured and been paid by the Company, shall be with an officer to be appointed by the stockholders in general meeting, who shall be styled "Auditor," and

Value of real
estate

Auditor custodian
of Bonds.

who, as custodian of the bonds pledged to secure the payment of the secured obligations of the Company shall, *ex officio*, be trustee for the Company, and for the holders of the secured obligations, and when a bond in his custody shall be paid in full, he shall deliver to the party entitled thereto. In addition to such other duties as may be required of said Auditor, he shall keep full and accurate lists of all the bonds and secured obligations in his custody, and a full and complete registry of all secured obligations issued by the Company, and shall register each secured obligation of the Company, and endorse the fact and date of the registry thereon, and attest the same by his signature before it is issued; but such endorsement shall not be made until the bond or bonds constituting the basis of issue of said secured obligations, with the hypothecation of said bond or bonds written on the face and attested by the signature of the President of the Company, as above required, shall have been delivered into his custody. All receipts given by the Company for payments on bonds in the custody of the Auditor, shall be countersigned by the Auditor, and the date and amount of the payments shall be endorsed on the bonds and the endorsement signed by the Auditor. Once in every three months the Auditor shall publish in one or more of the newspapers of the City of Wilmington, a statement under oath, showing the amount due on the outstanding secured obligations of the Company, and the amount due on the bonds in his custody, hypothecated for their payment.

Publication to be made.

SEC. 9. Each secured obligation of the Company shall be under the corporate seal of the Company, attested by the signature of the President of the Company, and countersigned by the Cashier.

Obligation to be under corporate seal.

SEC. 10. The Company may hold by purchase or otherwise such real estate as is required for the transaction of their business, and such as they may find it advisable to purchase to secure the payment of debts due therein; and

Company may hold, &c.

may sell or otherwise dispose of or convey the same at their pleasure.

Location of office. SEC. 11. The office of the Company shall be located in the City of Wilmington, in the State of North Carolina, and the Company may establish agencies at such other points in the State of North Carolina and elsewhere, as they may deem it expedient to establish: *Provided*, That no agency be established save by authority of the stockholders given in general meeting.

Powers of Company. SEC. 12. The said "Real Estate Loan Company of North Carolina" shall have all the general powers, and be subject to all the general restrictions provided by the laws of North Carolina, or which may hereafter be enacted by the General Assembly of the State of North Carolina, for such bodies politic and corporate.

By-laws, &c. SEC. 13. The stockholders in general meeting shall make and establish such by-laws, rules and regulations not inconsistent with the laws of the State of North Carolina or of the United States, as they may deem proper, for the management and control of their affairs, and government of their officers, agents, clerks and other employees which shall be binding on themselves, and all persons in the employment of the Company.

Elections. SEC. 14. A President of the Company and six Directors, and an Auditor, shall be elected by the stockholders at the first annual meeting of the Company, and at every subsequent annual meeting, to serve until the next annual meeting, and until their successors are elected and qualified.

President to preside. SEC. 15. The President of the Company, who shall preside at the meetings of the Directors and have a vote in the proceedings, and the six Directors shall constitute the Board of Directors.

Board to control affairs. SEC. 16. Subject to the by-laws, rules and regulations of the stockholders, the Board of Directors shall have the management and control of the affairs and business of the Company, and shall appoint a cashier and such other officers, agents and clerks as may be authorized by the stock-

holders, and may be found necessary for the management of the affairs of the Company.

SEC. 17. The President, Directors and Auditor, and the officers, agents and clerks appointed by the Board of Directors shall each before he enters on the discharge of his duties, make oath that he will faithfully and to the best of his ability, discharge the duties of his office or position, and will truly and faithfully account to the Company for every thing entrusted to his charge by virtue of his office or position.

Officers to take oath.

SEC. 18. The Auditor, Cashier and other officers, agents and clerks of the Company, before entering on their respective duties, shall each give bond with personal security, approved by the Board of Directors, in such amounts as the by-laws may prescribe, conditioned for the faithful discharge of the duties of his office or position, and with such other conditions, if any, as may be required by the by-laws of the Company.

Bonds.

SEC. 19. The official bonds of the officers, agents and clerks of the Company shall be lodged in the custody of the President.

Where bonds filed.

SEC. 20. The salaries of the President and Auditor shall be fixed by the stockholders in general meeting.

Salaries.

SEC. 21. No stockholder shall be responsible, save in his interest in the property and effects of the Company, for any debt or liability of the Company.

Responsibilities.

SEC. 22. There shall be an annual meeting of the stockholders in the year one thousand eight hundred and seventy and in each and every year thereafter, on such day and at such place as may be prescribed by the by-laws; and until the first annual meeting, Daniel L. Russell shall be President, and William Sloan, T. J. Jones, T. M. Smith, L. G. Estes, Alfred Dockery, F. F. French, J. H. Davis, Dr. J. Dwinelle, J. W. Holden and H. Downing shall be the Directors, and Ed. L. Hayes, Jr., the Auditor of the Company, and any vacancy in the office of President, Directors

Annual meetings.

or Auditor, before the first annual meeting shall be filled as may be prescribed by the by-laws.

When to commence business.

SEC. 23. The Company may commence business so soon as the minimum capital shall have been subscribed, and five per centum thereof been paid in cash and secured by bonds as provided for by the second section.

SEC. 24. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXIII.

AN ACT TO INCORPORATE THE TOWN OF CLAYTON, IN THE COUNTY OF JOHNSTON.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the village of Clayton, in the County of Johnston, is made an incorporated Town, according to the provisions of chapter one hundred and eleven of the Revised Code, (so far as the same is in accordance with the present Constitution of this State,) with the following boundaries, to-wit: Beginning at a stake on the land and near the dwelling house of B. A. Horne, and runs south forty-five degrees west, thirty-seven chains, to a stake on the land of J. F. Ellington, thence north forty-five degrees east, sixty-three chains, to a rock corner on the land of Jos. M. Smith, thence north forty-five degrees east, thirty-seven chains, to a rock corner on the land of W. W. Cox, thence north forty-five degrees west, sixty-three chains, to the beginning.

Authority vested in County Commissioners.

SEC. 2. All authority formerly exercised in relation to Towns, by the late County Court, under said chapter one

hundred and eleven of the Revised Code, shall be exercised in reference to the said Town of Clayton, by the County Commissioners of the County of Johnston.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXIV.

AN ACT TO INCORPORATE PINE FORREST LODGE, NUMBER ONE HUNDRED AND EIGHTY-SIX, ANCIENT YORK MASONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present, or in future may be of Pine Forrest Lodge, number one hundred and eighty-six, of Free and Accepted Masons, at the Post Office at Harrington, County of Harnett, be and they are hereby incorporated into a body politic and corporate, under the name and style of Pine Forest Lodge, number one hundred and eighty-six, of Free and Accepted Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

Body corporate.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the Constitution and laws of this State or of the United States.

By-laws.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of April, 1869.

CHAPTER CXXXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF EDENTON TO
SELL THE FOUR COMMONS, AND OTHER PROPERTY.

Commissioners to
sell.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Edenton be and they are hereby empowered to sell all, or such part as they deem advisable, of the Commons belonging to said Town, situated on the east side of Main or Broad street; also to move or sell the market house and gun or engine house in said Town; also to grant the right of way for any Rail Road along any of the streets of said Town.

SEC. 2. This act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXVI.

AN ACT TO INCORPORATE TRINITY LODGE, NUMBER TWO HUN-
DRED AND FIFTY-SIX, IN THE COUNTY OF RANDOLPH.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Master, Wardens and members of Trinity Lodge, Randolph County, and their successors, are hereby constituted a body corporate and politic, by the name and style of Trinity Lodge, number two hundred and fifty-six, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in general exercise and enjoy all the rights, powers and privileges that are usually incident to corporate bodies of like nature.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BATH, IN
THE COUNTY OF BEAUFORT.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the Town of Bath, in Beaufort County, be so amended that all persons living in the incorporated limits of the said Town, entitled to vote for members of the Legislature, be and the same are hereby entitled and deemed qualified to vote in any municipal elections held in the said Town. Qualified voters.

SEC. 2. That on the first Monday in January, eighteen hundred and seventy, and every twelve months thereafter there shall be elected a Mayor and three Commissioners, who shall have power to tax any and all property within the said corporate limits to keep up the streets, bridges or other purposes. Elections.

SEC. 3. That the said Mayor and Board of Commissioners shall have power to restrict horses, mules, cows, hogs and sheep, owned without as well as within the said corporate limits, from running at large in the streets of the said Town, and such other rules and regulations for the good government of the said Town. Powers concerning hogs, &c.

SEC. 4. The Mayor may cause to be arrested and brought before him any and all persons disturbing the peace or committing any violation of the law within the corporate limits, to be dealt with as the law directs. Arrests.

SEC. 5. That the Governor is hereby authorized to appoint a Mayor and three Commissioners, whose term of office shall expire on the first Monday in January, eighteen hundred and seventy, and who shall possess in all respects the like power as above detailed. Governor to appoint Mayor and Commissioners.

SEC. 6. That the Mayor and Commissioners, or a majority of them shall, on the first Monday in January, eighteen hundred and seventy, open the polls of election, after due Mayor and Commissioners to be sworn in.

notice for ten days, in a conspicuous place in the said Town for municipal officers for one year thereafter.

SEC. 7. The said Mayor and Commissioners appointed or elected to be sworn in by any Justice of the Peace in Beaufort County.

SEC. 8. This act to take effect from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXVIII.

AN ACT TO INCORPORATE EAST BEND LODGE, NUMBER TWO HUNDRED AND SIXTY-NINE, ANCIENT YORK MASONS, IN THE TOWN OF EAST BEND, COUNTY OF YADKIN.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Worshipful Master, Wardens and their associates of the Masonic Fraternity, of the Town of East Bend, are hereby incorporated as such in the name and style of East Bend Lodge, number two hundred and sixty-nine, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any Court of Record or before any Justice of the Peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

Power to pass by-laws.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the Constitution and laws of this State and of the United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXXXIX.

AN ACT TO INCORPORATE THE ROBESON COUNTY AGRICULTURAL SOCIETY.

SECTION 1. *The General Assembly of North Carolina do* Body corporate.
That Alexander Purcell, Calvin Black, James T. Petteway,
James Sinclair, Nathaniel McLean, James D. McAllister,
A. J. McOmen, T. B. Russell, M. A. McLean, E. K. Proctor,
E. L. Hayes, Jr., B. A. Howell, J. L. Nance, J. C. Moore,
H. J. McLean and M. C. McMan, their associates
and successors are hereby constituted a body politic and
corporate under the name and style of "The Robeson
County Agricultural Society," and by that name may sue
and be sued, may purchase or otherwise acquire, hold, sell
and convey any property necessary or convenient for the
use of said Society, may have a common seal and alter the
same at pleasure, and have and exercise all the rights and
powers incident to such corporations, and as are granted by
chapter twenty-six of the Revised Code, entitled "Corporations,"
and acts supplemental thereto.

SEC. 2. The Society shall annually elect a President, five Elections.
Vice Presidents, a Treasurer, a Secretary and five Directors,
and said officers and Directors shall constitute a Board for
the management of the Society, and hold their offices until
their successors are duly elected. The Society may change
the number of Vice Presidents and Directors whenever it
is deemed expedient to do so.

SEC. 3. The Society has power to hold fairs and award Power to hold fairs.
premiums for the encouragement of agriculture, manufac-
tures, the fine arts, the raising and training of live stock,
and the industrial pursuits of the country generally, may
have and maintain a model farm, found and conduct schools
in which practical and scientific agriculture are taught in
connection with usual branches of education but with special
reference to agriculture.

By-laws.

SEC. 4. The Society may make such by-laws for its government as are deemed necessary and not inconsistent with this charter, the laws of the State or of the United States.

Benefits.

SEC. 5. The Society shall have all the benefits granted to County agricultural societies by chapter two, section eight, Revised Code, when said Society shall be organized and certified by the President and signed by the Secretary to the Board of County Commissioners and filed with the Clerk of the Board; and said County Commissioners and Register of Deeds (Clerk *ex officio* of the Board of County Commissioners) shall exercise all the duties heretofore granted to the County Court and the Clerk of said Court by chapter two, Revised Code.

To comply with provisions of chapter 2.

SEC. 6. The Society shall comply with all the provisions of chapter two, Revised Code, relating to County agricultural societies not inconsistent with the provisions of this act.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXL.

AN ACT TO INCORPORATE THE BUCKHORN MINING AND MANUFACTURING COMPANY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, Henry E. Colton, of the State of North Carolina, L. Richardson and others, of the City of New York, their associates, successors and assigns, are hereby created and constituted and declared to be a body politic and corporate, by the name of the "Buckhorn Mining and Manufacturing Company," and as such body corporate and politic, and by said name, may have and use a common seal and change

the same at pleasure, may appoint and remove in such manner as they shall determine to be proper, all necessary officers, and define their duties and obligations, and may make all such by-laws and regulations for their own government and the conduct of their affairs as they may deem best and not inconsistent with the laws of the State.

SEC. 2. That said corporation shall have, use and enjoy all the rights, powers and privileges they may require or deem expedient for the exploring, opening and working of any mine or mines belonging to or leased by, or which may be bought or leased by said Company or its corporation individually, or as a corporation for smelting or manufacturing iron, or any other minerals or metals for transporting to any market or other place, in steamboats, flats or other boats, or any other vehicles, whether the same be the property of said corporation or otherwise, any coal, iron or other minerals, article or production, whether the same be in its natural or manufactured state, and shall further have the right and power to purchase and hold, sell, transfer and convey all property and estate, real and personal or mixed, as may be required, or as said corporation may deem expedient, and may pledge or mortgage the same to secure the payment of its debts or of advances of money, and they may lease, buy or otherwise become possessed of such water power as may be necessary for their purposes, and use the same for the operations or manufactures as aforesaid, or such other as may seem to them expedient, or facilitate their progress, or conducive to their interests in the erection of works, use of their privileges, or the operation of the same.

Rights and powers

SEC. 3. That the capital stock of said Company shall consist of three hundred thousand (\$300,000) dollars, in shares of one hundred (\$100) dollars each, and they shall have the right and privilege, by a vote of a majority of such stock, to increase the same to one million (1,000,000) dollars, and the same shall be transferable as the by-laws of the Company may direct, and in meetings of the stockholders, each share of stock shall be entitled to one vote ;

Capital.

and the affairs of said Company shall be managed by a Board of Directors, not less than three nor more than five, and such other officers as their by-laws may direct, and the same shall be annually elected, and shall serve until their successors are elected.

No increased valuation.

SEC. 4. That in the valuation of said property upon which said Company may erect their works, buildings or manufactories, there shall be no increase of valuation from the last assessment for the term of five years.

Dams.

SEC. 5. That said Company may have the right to erect dams, or open canals upon or near any streams of water for the purposes of navigation or water power, and to operate the same, if not to the detriment of the public interests or damage of private property, unless by special agreement of owners of such property; and in case of disagreement as to said damage, the same to be settled by arbitration or referees, and that the said Company shall have the right and power to construct team ways, roads or bridges, of wood or iron, and may receive assistance for the accomplishment thereof, from any County, Town or corporate body; *Provided*, They never ask from the Legislature of the State any aid in constructing the same.

Proviso.

SEC. 6. That this act shall take effect and be in force from and after its ratification, and shall continue in force for ninety years.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLI.

AN ACT TO INCORPORATE THE NORTH CAROLINA FERTILIZING COMPANY.

Body corporation.

SECTION 1. *The General Assembly of North Carolina do enact*, E. Nye Hutchinson, Rufus Barringer, W. R. Myers,

W. C. Kerr, Rufus Y. McAden, M. L. Wriston, William Johnston, W. W. Grier, W. A. Graham, Jr., W. H. Neal and Wm. Mills and James P. Irwin, and such other persons as may be associated with them, are hereby made a body politic and corporate, to be known by the name and style of the North Carolina Fertilizing Company, with power to purchase and own real and personal estate, to have a corporate seal, to sue and be sued, and to do all other things which belong to bodies corporate and politic.

SEC. 2. The business of said corporation shall be to make and sell fertilizers, from phosphates of lime, guano, sulphuric acid, and other materials obtained by purchase or manufacture, and their business shall be carried on in the Town of Charlotte, North Carolina, or elsewhere, as the said corporation may prefer.

Business of Company.

SEC. 3. The capital stock of said Company shall be one million of dollars, in shares of fifty dollars, and said Company shall have power to organize and proceed with their manufactures so soon as fifty thousand dollars are subscribed, and ten per cent. of that sum has been paid into the Treasury of the Company.

Capital stock.

SEC. 4. Books shall be opened for subscriptions of stock to said Company under the direction of E. Nye Hutchinson, Miles L. Wriston, — Kerr, at such times and places as they may direct, and so soon as forty thousand dollars are subscribed, and ten per cent. thereof is paid to the aforesaid Commissioners, they shall call a general meeting of the stockholders, to assemble at the Town of Charlotte on a day designated, and proceed to the organization of said Company, and make such rules and regulations, and elect such officers and Directors as they think proper for the government of said Company, and for the management of its business.

Books.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE JAMESTOWN, IN THE COUNTY OF GUILFORD," RATIFIED THE — DAY OF FEBRUARY, EIGHTEEN HUNDRED AND FIFTY-NINE.

Special election.

SECTION 1. *The General Assembly of North Carolina do enact*, That on the first Monday in May next there shall be held an election within the corporate limits of Jamestown, in Guilford County, for three discreet persons, who shall act as Commissioners of said Town, which election shall be held by the Sheriff of Guilford County, his lawful deputy or some Justice of the Peace for said County, and shall be duly advertised within the corporate limits of said Town for at least twenty days previous thereto, that all legal voters who shall have resided in the corporate limits of said Town for six months previous to the day of election for Commissioners shall be eligible to that office and shall be entitled to vote at said election.

Elections, when held.

SEC. 2. That from and after the year eighteen hundred and sixty-nine all elections for Commissioners of said Town shall be held on the same day as other such elections in this State.

Repealed.

SEC. 3. All laws and parts of laws in conflict with the preceding sections are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLIII.

AN ACT TO CONTINUE IN FORCE AND EXTEND THE PROVISIONS OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF FAYETTEVILLE TO FUND THE INTEREST DUE ON THEIR BONDS ISSUED IN PAYMENT FOR STOCK IN THE WESTERN RAIL ROAD COMPANY," RATIFIED THE NINTH DAY OF FEBRUARY, EIGHTEEN HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of the above recited act be and they are hereby continued in force, and extended to embrace all coupons unpaid up to and including the first day of January, Anno Domini eighteen hundred and sixty-nine.

Provisions continued in force and extended.

SEC. 2. That the Mayor and Commissioners of Fayetteville are hereby authorized in like manner and form to issue bonds to the full amount of all the other indebtedness of the said Town of Fayetteville, up to and including the first day of January, Anno Domini eighteen hundred and sixty-nine.

Power to issue bonds.

SEC. 3. That the said Mayor and Commissioners of Fayetteville are authorized and required upon the issue of said bonds, to levy a special tax in addition to the ordinary tax sufficient to meet the interest due and owing upon all the bonds of said Town which may be then outstanding.

Special tax.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLIV.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF FAYETTEVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of said Town be and are

Limits extended.

PRIV. 16.]

hereby extended as follows : Beginning at a stone, the north-west corner of said Town, it being corner B. on the map of said Town, thence south eighty-five and a half degrees west, one hundred and fourteen chains to a stone in W. D. Smith's field, thence a direct line passing the two-mile post on the Fayetteville and Western Plank Road ninety-five chains to a large pine on the margin of Blount's Creek, thence following down said creek at high water mark to the southwest corner of said Town.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLV.

AN ACT TO INCORPORATE THE CATAWBA VALLEY LAND COMPANY IN THE CITY OF CHARLOTTE.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of facilitating the sale of lands and other real estate, and the more speedy development of the agricultural, mineral and manufacturing resources of this State, H. M. Pritchard, John Phelan, S. C. Barnett, E. A. McLeod, W. W. Grier, S. W. Davis, and such other persons as may be associated with them as stockholders, be and the same are hereby created together with their successors, a corporation and body politic in deed and in law, by the name and style of the Catawba Valley Land Company, with power to purchase, hold, sell, lease or convey estates, real, personal and mixed, and of acquiring the same by gift or otherwise, and shall have succession for thirty years, and may sue and be sued, plead and be impleaded in any court of law in this State having competent jurisdiction, and may have and use a common seal, which they

Run thirty years.

may alter or renew at pleasure, and shall have and enjoy all other rights and privileges to which other corporations are entitled, and the aforesaid named persons and such others as they may designate are hereby constituted and appointed Commissioners to open books in the City of Charlotte, within ten days after the ratification of this act, and receive subscriptions to the capital stock of this Company, in shares of one hundred dollars each, which capital stock may be increased to one hundred thousand dollars as the stockholders of the Company may determine.

SEC. 2. That the affairs of this Company shall be managed by a Board of Directors to be chosen and to serve as the by-laws of the Company may direct, and from among whom a President, Secretary and Treasurer shall be likewise selected.

Affairs, how managed.

SEC. 3. That this Company shall have power to issue and sell certificates, numbered and duplicated, of denominations running from one to fifty dollars each, on all properties that may come into their hands for sale: *Provided, however,* That in case of the sale of any properties in pursuance of the provisions of this section, it shall be the duty of the President of this Company, to turn over at the end of every three months to the Public Treasurer of the State, five per centum of the net quarterly income derived from the sale of property thus sold, to be appropriated the one-half to the use of the Common School fund and the other half to the use of the Poor fund.

Certificates.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act are hereby repealed.

Repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLVI.

AN ACT FOR THE RELIEF OF RUFUS K. FERRELL, LATE
SHERIFF OF WAKE COUNTY.

Preamble.

WHEREAS, Rufus K. Ferrell, late Sheriff of Wake County, in collecting taxes due in said County for the year eighteen hundred and sixty-eight, in the early part of said year, did receive in payment of said taxes, County orders issued by the said County of Wake and payable by said County to the amount of \$—, which County orders are now in the possession of said Ferrell and which cannot be paid because the Treasury of said County is destitute of funds.

And whereas, the said Rufus K. Ferrell was on the fourth day of July, eighteen hundred and sixty-eight, relieved as Sheriff of said County, having only collected a small portion of public taxes, and has paid over to his successor all the public taxes received by him in money, and has tendered his said successor the said County orders for the said balance collected by him, which orders that officer is not by law allowed to receive.

And whereas, the said County orders were received by the said Rufus K. Ferrell in good faith and according to the custom of preceding Sheriffs in said County, and full payment would have been made to the State, of all public taxes due in said County, by subsequent collections by the said Rufus K. Ferrell, if he had not been compelled by act of the General Assembly to deliver the tax lists of said County to his said successor in office, therefore

Time allowed.

SECTION 1. *The General Assembly of North Carolina do* That the said Rufus K. Ferrell be allowed further time, until the first day of January, eighteen hundred and seventy, for the payment of the said sum to the Public Treasurer, and that the Commissioners of the County of Wake, pay to the said Rufus K. Ferrell, such sum as may be due on said County orders, received in collection of taxes for the year eighteen hundred and sixty-eight, to be paid as aforesaid.

SEC. 2. That this act shall not in any way impair the obligation of the said Rufus K. Ferrell, and his sureties on his official bond for the payment of the said taxes.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WASHINGTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the Town of Washington be so amended that the boundaries of said Town shall be as follows: Beginning at Pamlico River, four hundred yards below the eastern boundary line of said Town, running thence northeastwardly, parallel with the said line, to the point of intersection with a line drawn parallel with Fifth street, and four hundred yards back of the northern side thereof, thence westwardly along the said line parallel with Fifth street to the point of intersection with a line drawn parallel with Washington street, and four hundred yards back of the western side thereof, thence southwardly with the said line, parallel with said Washington street to the river, and thence with the river to the beginning; and hereafter, when the town of Washington is spoken of in any law now in force, or hereafter to be enacted, it shall be construed with reference to the foregoing boundaries.

Boundaries.

SEC. 2. That the Board of Commissioners of the Town of Washington shall have power to tax by a uniform rule, all monies, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; also, trades,

Taxes.

professions, franchises and incomes; *Provided*, That no income shall be taxed when the property from which the income is derived is taxed.

Repealed.

SEC. 3. That so much of section nineteen, chapter one hundred and ninety-nine, of the act passed session eighteen hundred and forty-six and eighteen hundred and forty-seven, to incorporate the Town of Washington as limits the tax on public carts, drays or wagons, to three dollars, is hereby repealed.

Intendent.

SEC. 4. That the intendent of police of the Town aforesaid, shall have power to imprison all offenders for violation of the ordinances of said Town, not to exceed the term of thirty days, and to impose a fine not to exceed fifty dollars in any one case, or to put to labor on the public works of the town or streets thereof, in lieu of imprisonment or fine, the violators of the ordinances for the government of the said Town of Washington.

Salary of intendent.

SEC. 5. That the Board of Commissioners of the said Town shall have power to allow the intendent of police aforesaid for his services annually, to be paid as heretofore, a sum not to exceed five hundred dollars.

SEC. 6. This act shall be in force from its ratification.
Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLVIII.

AN ACT TO INCORPORATE THE TOWN OF RIDGEWAY.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, The Town of Ridgeway in the County of Warren shall be a corporation, with the rights and incidents possessed by other incorporated Towns, under chapter one hundred and eleven of the Revised Code, except as altered in this act or by the Constitution of the State, or by general laws applicable to all incorporated Towns.

SEC. 2. The area of the said Town of Ridgeway shall be a circle, the center of which shall be a stone, in the middle of Davis Avenue, on the south side of the Raleigh and Gaston Rail Road, one hundred and fifty feet distant from the center of said Rail Road and the radius of which shall be one mile.

Area of Town.

SEC. 3. On the first Thursday in May, eighteen hundred and sixty-nine, there shall be held an election at the Hotel on Davis Avenue for a Mayor and five Commissioners of said Town for twelve months, which election shall be held by the Sheriff of Warren County, or his lawful deputy, and shall be duly advertised within the corporate limits of said Town, for at least twenty days previous thereto. In case the Sheriff shall neglect or refuse to hold said election, the same may be held under the superintendence of any Justice of the Peace of the said County.

Where elections to be held.

SEC. 4. On the first Thursday in May, eighteen hundred and seventy, and at the same time every year thereafter, an election shall be (after twenty days' notice) held for a Mayor and five Commissioners, at such place and under such rules and regulations, and by such persons as shall be prescribed by the Board of Commissioners.

SEC. 5. The Commissioners of the Town of Ridgeway shall have power to regulate, restrain, or prohibit the sale of spirituous, vinous or malt liquors within the corporate limits of said Town, or within one mile thereof, and no spirituous or vinous liquors shall be retailed by a measure less than a quart within said limits, without the express permission of the General Assembly. Any persons offending against the provisions of this section shall be guilty of a misdemeanor, and in addition thereto shall likewise pay such penalty as may be imposed by the Mayor for violation of the laws of the Town.

Power to regulate, &c.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CXLIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT CONCERNING INSPECTORS FOR THE CITY OF WILMINGTON, RATIFIED TWENTY-SEVENTH JULY, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Amendments.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of the above recited act be and the same is hereby stricken out, and the following substitute inserted in lieu thereof:

That the Governor shall appoint nineteen inspectors for the City of Wilmington, who shall severally hold their office at the pleasure of the Governor, appointments to be as follows; six inspectors of timber, lumber and staves; eight inspectors of naval stores, four inspectors of forage and provisions, and one inspector for wood and shingles, who with their deputies shall have exclusive power to inspect naval stores, provisions and forage, timber, lumber and staves, wood and shingles, in said City of Wilmington according to existing laws.

Further amendment.

SEC. 2. That line ten in section two of the above recited act be amended by striking out "five thousand dollars" and inserting "three thousand dollars."

Fees of inspectors

SEC. 3. That the County Commissioners shall from time regulate the fees to be paid to the inspectors, but they shall in no case allow more than three cents per barrel for the inspection of crude turpentine or guaging of tar.

Forfeiture.

SEC. 4. That if any person shall sell any article required by law to be inspected or weighed until the same shall have been inspected, weighed or guaged (as the case may be,) he or they shall forfeit and pay two hundred dollars for each offence, and shall be deemed guilty of a misdemeanor.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CL.

AN ACT TO INCORPORATE THE PINE FOREST CEMETERY COMPANY, IN THE CITY OF WILMINGTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That Duncan Holmes, Owen Berney, David Sadgwar, William Kellogg, James Green, Solomon Nash, Henry Taylor, Alfred Hargrove, Hezekiah Reid, and their associates, for the purpose of hereinafter mentioned be and the same are hereby constituted a body politic and corporate by the name and style of the Pine Forest Cemetery Company, and by that name may sue and be sued, plead and be impleaded in all the Courts of this State, contract and be contracted with, and may have a common seal.

Body corporate.

SEC. 2. That said corporation may acquire, take and hold a lot or tract of land containing not more than twenty acres for the purpose of establishing a burial ground at or near the City of Wilmington, in the County of New Hanover, and may sell or otherwise dispose of the same, or of any part thereof, to be used exclusively as a cemetery for the dead, and all moneys for, or on account of the sale of the lots in the said Cemetery shall first be applied by said corporation to the payment of the purchase money of the land which it may acquire, and the residue thereof shall be expended in the improving and adorning such land and for such other purposes as said corporation may deem expedient, and said corporation may acquire such personal property as may be necessary for the accomplishment of the purposes contemplated by this act.

May acquire, &c.

SEC. 3. That the real estate of said corporation, and the lots when conveyed by said corporation to individual proprietors, shall be exempt from assessment and taxation and not liable to be sold under any executions, or to be applied to the payment of debts, by assignment under any insolvent law.

Exempt from taxation.

When guilty of
misdemeanor.

SEC. 4. That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave-stone or other structure, placed in the Cemetery aforesaid, or any fence, railing or other work for the protection or ornament of said Cemetery, such person or persons so offending shall be deemed or held guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the Court, and shall be, moreover, liable in any action of trespass which may be brought in the name of said corporation, for such damages, by such unlawful act.

Land, when dedi-
cated.

SEC. 5. That the land which said corporation is by this act authorized to acquire, shall, when dedicated to that purpose, remain forever dedicated to the purpose of a cemetery, and any lot or lots therein, conveyed by said corporation, may be so conveyed, that upon such conveyance, or after there shall have been an interment therein, the said corporation may have authority to extend interments therein to such person or persons, or class of persons as may be designated and prescribed in the conveyance under which said lot or lots shall be taken and held.

Form of convey-
ance.

SEC. 6. That said corporation may prescribe the form of conveyance for any lot or lots in said Cemetery, and how the same shall be executed, and shall have full power to make all such by-laws and regulations as may be necessary to conduct the affairs of said corporation and to improve and adorn said Cemetery: *Provided*, The same be not inconsistent with the Constitution and laws of this State and the United States.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 12th day of April, A. D. 1869..

CHAPTER CII.

AN ACT TO INCORPORATE THE SOUTHERN LAND COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of the State, Daniel P. Bible, James F. Latham, Hiram E. Stilley, John B. Respass, and such others as may be associated with them, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of the Southern Land Company, with a capital stock of five thousand dollars, with liberty to increase the same to a sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and incidents belonging to corporations organized under the twenty-sixth section of the Revised Code.

Body corporate.

Capital stock.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, to make advances of money or other things, to settlers and others, on such terms and on such securities, real and personal, as may be agreed on, to improve property, grow and sell fruits, and other vegetable products, to engage in any species of agriculture or manufacturing enterprise, and to buy and sell goods, wares and merchandise. The said Company may likewise own and manage steam and other vessels, and take measures for the transportation of property into the State, or for carrying out any other purpose connected with the business of said Company.

Power to buy, and sell.

May own and manage vessels.

SEC. 3. The business of said Company shall be managed by a Board of Directors of a number to be fixed by the stockholders. They shall, out of their number, choose a President and such other officers as they see fit, and shall hold office for a term to be prescribed in the by-laws.

Business, how managed.

SEC. 4. The stockholders of said Company shall make such by-laws for the government of the Company as they

By-laws, &c.

may deem fit, not inconsistent with the laws of the State or of the United States.

SEC. 5. This act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLII.

AN ACT TO INCORPORATE THE NEWBERN CO-OPERATIVE LAND AND BUILDING ASSOCIATION.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That R. T. Berry, George C. Rixford, Augustus S. Seymour, W. H. S. Sweet, I. Edwin West, A. R. Denison, Richard Tucker, John Randolph, Clinton D. Pierson, B. W. Morris, George B. Willis and Moses Bryan, and their associates, successors and assigns, shall be and they are hereby created and constituted a body politic and corporate, by the name of the "Newbern Co-operative Land and Building Association," with a capital stock of five hundred thousand dollars, to be divided into shares of two hundred dollars each.

Power to buy, sell, &c.

SEC. 2. That the said corporation shall have power to buy and sell, lease, mortgage, or otherwise convey lands, erect and purchase buildings, and to make and enforce such by-laws and rules not contrary to law, as may be necessary and convenient for its regulation and business, may have a continued succession and a common seal, and shall be capable of suing and being sued, and of pleading and being impleaded, of defending and being defended in every manner of action, suits, complaints, matter and causes whatsoever.

Elections.

SEC. 3. The stockholders in said corporation shall annually elect a President, a Vice-President, a Secretary and a Treasurer, who shall constitute the Board of Directors, and execute the corporate powers thereof.

Am. decl.
 Private Laws, 1872
 Ch. 80.

SEC. 4. That the said corporation shall open books and receive subscriptions at the City of Newbern, and may commence business whenever one hundred shares have been subscribed for and an instalment of one dollar has been paid on each. The subscribers shall pay to said corporation the sum of one dollar per month for each share of stock until the amount paid shall, with interest at six per centum, amount to the sum of two hundred dollars for each share. At any time after the said amount shall have been in, the Board of Directors of said corporation shall have power to wind up the business thereof, and thereupon the assets of said Company shall be ratably divided among its stockholders. Whenever any subscription to the stock of said corporation shall be made after it shall have commenced business, it shall be lawful for said Directors to require such subscribers to pay at the time of such subscriptions or thereafter, a sufficient sum to make his payment upon his stock equal to the payments and premiums of the original members with interest, or such Directors may allow, within one year from the commencement, such subscribers to pay only the sum of one dollar per month from the date of his subscription; *Provided*, That in such cases upon the final settlement of the affairs of the corporation, such subscriber shall receive a sum which shall bear the same proportion to the shares of the original subscribers as the amount paid by him and interest thereon, shall bear to the amount and interest thereon paid by them.

Open books.

Proviso.

SEC. 5. That it shall be lawful for the Directors of such corporation to loan money to the stockholders thereof, to any amount not exceeding the par value of their stock, and in case different stockholders shall compete for a loan of money therefrom, it shall be lawful for such Directors to receive bids from such stockholders, and they shall award the loan to the bidder offering to give his note in hand for the amount proposed to be loaned for the smallest sum. Such note in hand given shall bear legal interest payable in monthly instalments, and the principal of said note shall

May loan money
and to whom.

be charged against such subscriber in the final settlement of said corporation.

MAY EMPLOY FUNDS SEC. 6. That the Board of Directors may invest and employ the funds of the corporation in such way and manner as they may judge the interests of the corporation may require.

SEC. 7. That this act shall be force from and after its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLIII.

AN ACT TO INCORPORATE THE COOPERS' ASSOCIATION OF WILMINGTON.

Body corporate.

SECTION 1. *The General Assembly of North Carolina do enact*, That William Thurber, John W. Brown, Cornelius Walker, Joseph C. Hill, D. N. Yates, F. W. Telphair, Bryon Fonville and their associates and successors be and they are hereby created a body politic and corporate, with the powers necessarily implied in such a body or properly conferred by this act and no others.

Corporate name.

SEC. 2. That the corporate name of said Association shall be the Coopers' Association of Wilmington, by which name it shall be known, and sue and be sued, have perpetual succession and do all other things which such a corporation may do by law.

Laws, &c.

SEC. 3. That the corporation may elect its own officers and pass such by laws, from time to time, as it may deem necessary, not inconsistent with the Constitution of the United States or with the Constitution and laws of North Carolina.

Object of Company.

SEC. 4. That the object of said corporation shall be to carry on the coopering business in all its branches.

SEC. 5. This act shall be in force from its ratification.

Ratified the 12th day of April, A. D. 1869.

CHAPTER CLIV.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN
FIVE MILES OF RUTHERFORD SEMINARY.

SECTION 1. *The General Assembly of North Carolina do* Prohibited.
enact, That no person within five miles of Rutherford Sem-
inary, Burke County, shall sell or give spirituous liquors to
any student of said Seminary, without a written permit
from the President of the same.

SEC. 2. That if any person or persons shall violate the Penalty for viola-
the provisions of this act, he, she or they shall be guilty of tion.
a misdemeanor, and upon conviction thereof shall be fined
not more than fifty dollars for each offence, and in default
of payment may be imprisoned not more than thirty days.

SEC. 3. This act shall be in force from and after its
ratification.

Ratified the 12th day of April, A. D. 1869.

PRIVATE RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA.

PRIVATE RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1868-'69.

RESOLUTION DECLARING VACANCY IN FORTY-FIRST SENATORIAL DISTRICT.

It appearing to the satisfaction of the Senate that A. C. Avery, Senator elect from the forty-first District, is banned by the Constitution of the United States: Avery banned.

Resolved, That the seat of the Senator elect from the forty-first District, is and is hereby declared vacant. Vacant.

Resolved, That the President of the Senate be directed to inform his Excellency, the Governor of North Carolina, of said vacancy. Governor to be informed.

Ratified the 20th day of November, A. D. 1868.

RESOLUTION IN FAVOR OF A. C. AVERY, SENATOR ELECT FROM FORTY-FIRST DISTRICT.

Resolved, That the Public Treasurer be and is hereby authorized to pay Major A. C. Avery, Senator elect from Treasurer to pay mileage.

the forty-first District, his mileage and *per diem* to the time his seat was declared vacant, and that the Clerk and President of the Senate furnish him a warrant to draw the same.

Ratified the 24th day of November, A. D. 1868.

RESOLUTION FOR THE RELIEF OF JAMES CANSLER, SHERIFF OF
MACON COUNTY.

Preamble.

WHEREAS, James Cansler, Sheriff of Macon County, was delinquent in paying the State taxes for eighteen hundred and sixty-eight, within the time prescribed by law, and judgment was obtained by the State against him in the Superior Court of Wake County, Fall Term, eighteen hundred and sixty-eight, for the amount of said taxes and penalty of one thousand dollars, deducting nothing for commission ; and

Whereas, said Sheriff has since paid into the State Treasury the amount of the Judgment, exclusive of the penalty of one thousand dollars : therefore

Penalty remitted
and commissions
allowed.

Resolved, That said James Cansler, Sheriff, be released from the payment of the penalty, and that he be allowed the amount of his commissions, fifty-two dollars and nineteen cents (\$52.19) and the usual mileage and *per diem* for settling said taxes.

Ratified the 11th day of December, A. D. 1868.

RESOLUTION IN FAVOR OF THE CLERK OF THE LATE COUNTY
COURT OF HAYWOOD.

Preamble.

WHEREAS, A judgment was obtained in the Superior Court of Wake County, at Fall Term, eighteen hundred

and sixty-eight, against W. W. Medford, of the County of Haywood, at the instance of D. A. Jenkins, Public Treasurer of North Carolina, for the sum of one thousand dollars, in consequence of the said Medford failing to make due return of the abstract taxable property of said County of Haywood; and

Whereas, the said Medford, as Clerk of the Court of Pleas and Quarter Sessions for said County of Haywood, failed to make said report, only in consequence of the fact that the Justices of the Peace failed to return to him lists of taxables, in consequence of the confusion incident to the change in the State Government: therefore

Resolved by the General Assembly of North Carolina, Judgment remitted.
That the judgment aforesaid, obtained as aforesaid, against said W. W. Medford, late Clerk of the late Court of Pleas and Quarter Sessions of Haywood County, and his securities, be and the same is hereby remitted.

Ratified the 16th day of December, A. D. 1868.

RESOLUTION IN FAVOR OF J. W. FISHER.

WHEREAS, J. W. Fisher, late Clerk of the late Court of Pleas and Quarter Sessions of the County of Jackson, has been amerced in Superior Court of Wake County, in the sum of one thousand dollars for failing to send to the Comptroller an abstract of the taxables of said County of Jackson, and whereas, the said Clerk as aforesaid, failed to send up said extract only in consequence of the fact that no taxes were listed or levied in the County of Jackson for the year eighteen hundred and sixty-eight; therefore

Resolved, That the said J. W. Fisher, late Clerk of the Court aforesaid, be and he is hereby released from the payment of the said sum of one thousand dollars and said penalty remitted.

Ratified the 21st day of December, A. D. 1868.

JOINT RESOLUTION CONCERNING THE SHERIFF OF CARTERET
COUNTY.

Preamble.

WHEREAS, The Sheriff of Carteret County, North Carolina, was delinquent in the collection of the taxes of said County for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven; and whereas, said delinquency was caused by an order issuing from the Post Commander at Newbern, North Carolina; therefore,

Allowed to collect
taxes for years 1866
and 1867.

Resolved by the General Assembly of North Carolina, That Joel H. Davis, former Sheriff of said County, be allowed to collect the taxes still due for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, and for this purpose he is hereby invested with the same power to sell and distrain property, to collect said taxes as he would were he now the Sheriff of said County, said Davis having heretofore paid the taxes for those years to the Public Treasurer at Raleigh.

Ratified the 21st day of December, A. D. 1868.

RESOLUTION IN FAVOR OF J. C. GULLICK.

Released.

Resolved, That J. C. Gullick, former Clerk of the County Court of Henderson County, be and he is hereby released from an amercement for failing to make return of the unlisted tax for the year eighteen hundred and sixty-eight, in the time prescribed by law.

Ratified the 21st day of December, A D 1868.

RESOLUTION IN FAVOR OF THE SHERIFF OF TYRRELL COUNTY.

WHEREAS, The Sheriff of Tyrrell County has been amerced and taxed with a fine of one thousand dollars for failing to settle with the Treasurer within the time prescribed by law ; and whereas, said Sheriff has since settled in full with the Treasurer ; therefore,

Preamble.

Resolved, That the said fine of one thousand dollars, imposed upon the said Sheriff, be and the same is hereby remitted.

Fine remitted.

Ratified the 9th day of January, A. D. 1869.

RESOLUTION IN FAVOR OF W. H. WHITE.

Resolved, That W. H. White, late Sheriff of Bladen County, be authorized to collect the arrears of taxes due him for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, under such rules and regulations as are now prescribed by law ; *Provided*, Nothing herein contained shall be construed to extend to executors, administrators, or any person who will voluntarily swear that they have paid the same.

Authorized to collect taxes.

Proviso.

Ratified the 19th day of January, A. D. 1869.

A RESOLUTION IN FAVOR OF JESSE R. WEAVER, LATE COUNTY COURT CLERK, IN AND FOR THE COUNTY OF BUNCOMBE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jesse R. Weaver, late Clerk of the County Court in and for the County of Buncombe, be and he is

Penalty remitted.

hereby released from the penalty now in judgment in the Superior Court of the County of Wake, of one thousand dollars, (\$1,000,) incurred by reason of failing to send forward the abstract of taxes of said County of Buncombe before his term of office expired.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 20th day of January, A. D. 1869.

RESOLUTION FOR THE RELIEF OF THE SHERIFF OF BEAUFORT COUNTY.

Resolved, That Samuel T. Carrow, Sheriff of Beaufort County, be relieved from all fines, penalties and forfeitures for failing to make returns and payment of taxes for said County for the year eighteen hundred and sixty-seven, upon payment of the net taxes and all costs which may accrue against him for such default.

Ratified the 20th day of January, A. D. 1869.

RESOLUTION DECLARING SEAT OF SENATOR FROM FOURTEENTH DISTRICT VACANT.

Preamble.

WHEREAS, It is the sense of this Senate that John W. Purdie, Senator from the Fourteenth Senatorial District is banned by the fourteenth Article of the Constitution of the United States, therefore

Declared vacant.

Resolved, That the seat of John W. Purdie, Senator from the Fourteenth Senatorial District is hereby declared vacant.

Ratified the 22d day of January, A. D. 1869.

RESOLUTION VACATING THE SEAT OF JOHN A. OATES SENATOR
ELECT FROM THE SIXTEENTH SENATORIAL DISTRICT.

WHEREAS, It is the sense of this Senate that John A. Oates, Senator elect from the Sixteenth Senatorial District, is banned by the Fourteenth Article of the Constitution of the United States, therefore

Preamble.

Resolved, That the seat of John A. Oates, Senator elect from the Sixteenth Senatorial District is hereby declared vacant.

Declared vacant.

Ratified the 26th day of January, A. D. 1869.

RESOLUTION IN FAVOR OF THE SHERIFF OF BRUNSWICK
COUNTY.

WHEREAS, The Sheriff of Brunswick County has been amerced and taxed with a fine of one thousand dollars for failing to settle with the Treasurer within the time prescribed by law, and whereas, the said Sheriff has since settled in full with the Treasurer ; therefore be it

Preamble.

Resolved, That the said fine of one thousand dollars imposed upon S. P. Swain, Sheriff of said County of Brunswick, be and the same is hereby remitted.

Remitted.

Ratified the 26th day of January, A. D. 1869.

RESOLUTION FOR THE RELIEF OF W. M. D. MOORE.

WHEREAS, At the fall term, eighteen hundred and sixty-eight, of the Superior Court held for Wake County, judgment was entered against W. M. D. Moore, late Clerk of

Preamble.

the County Court of Brunswick County, for one thousand dollars, for failing to return to the Auditor of Public Accounts within the time prescribed by law, an abstract of the unlisted taxables in said County for the year eighteen hundred and sixty-eight; and whereas, said abstract of unlisted taxables has since been returned; therefore

Released from judgment.

Resolved, That W. M. D. Moore, late Clerk of the County Court of Brunswick County, be and he is fully and effectually released and discharged from the judgment entered against him and his securities, at the fall term, eighteen hundred and sixty-eight, in the Superior Court held for Wake County, and all proceedings under said judgment shall immediately cease.

Ratified the 8th day of January, A. D. 1869.

RESOLUTION IN FAVOR OF T. H. ALEXANDER, LATE CLERK OF THE COURT OF PLEAS AND QUARTER SESSIONS FOR THE COUNTY OF TYRRELL.

Preamble.

WHEREAS, T. H. Alexander, late Clerk of the Court of Pleas and Quarter Sessions for the County of Tyrrell was, at the fall term of the Superior Court of eighteen hundred and sixty-eight, for the County of Wake, fined one thousand dollars, (\$1,000) for failing to make his returns according to the letter of the law; and whereas, the said returns have been made; therefore

Remitted.

Resolved, That the said fine be and the same is hereby remitted.

Ratified the 8th day of February, A. D. 1869.

RESOLUTION FOR THE RELIEF OF A. J. JOHNSTON.

WHEREAS, A. J. Johnston, late Clerk of the County Court of Onslow County, has been amerced at the Fall Term of the Superior Court of Wake County, in the sum of one thousand dollars (\$1,000) for failure to return an abstract of the taxables of said County by the time required by law; and

Preamble.

Whereas, said Clerk was delayed in making said returns, from the fact that he was not furnished in time with the tax lists from all the districts of his County; and

Whereas, said returns have since been completely and regularly made and received by the Auditor: therefore

Resolved, That said judgment in the Superior Court of Wake County be remitted, and said Clerk released from all liability on the same.

Remitted.

Ratified the 8th day of February, A. D. 1869.

RESOLUTION IN FAVOR OF T. C. HUMPHRIES, LATE SHERIFF OF CURRITUCK COUNTY.

Resolved, That T. C. Humphries, late Sheriff of Currituck County, be allowed until the first January, Anno Domini eighteen hundred and seventy, to collect arrearages of taxes due for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven: *Provided*, That no one shall be compelled to pay taxes for these years who will make oath that he has paid said taxes and has lost the receipt.

Authorized to collect taxes.

Proviso.

Ratified the 8th day of February, A. D. 1869.

A RESOLUTION FOR THE RELIEF OF D. A. SPIVEY.

Preamble.

WHEREAS, Judgment was obtained by the State in the Superior Court of Wake County Fall Term eighteen hundred and sixty-eight, against D. A. Spivey, late tax collector of Greene County, in the sum of one thousand dollars, (\$1,000) for an alleged failure to account for the State taxes within the time prescribed by law; and

Whereas, he has since accounted to the Sheriff of said County for all tax lists and funds for which he was held liable by the State, and the tax due the State having been paid into the Treasury by the Sheriff; therefore

Remitted.

Resolved, That the said D. A. Spivey be released from the payment of the penalty of one thousand dollars.

Ratified the 13th day of February, A. D. 1869.

 RESOLUTION IN FAVOR OF A. J. MURRAY, SHERIFF OF THE COUNTY OF HAYWOOD.

Preamble.

WHEREAS, A. J. Murray, Sheriff of the County of Haywood, elected in April, eighteen hundred and sixty-eight, did not qualify or file bonds in consequence of doubt as to whether he or his competitor was elected, until October the third of said year, and did not receive the tax lists until the eighteenth day of November thereafter; and

Whereas, the Public Treasurer caused a judgment to be entered in the County of Wake, at the late term of the Superior Court for said County against said Murray for the sum of one thousand dollars (\$1,000) for failing to pay the taxes of said County of Haywood into his the Treasurer's office within the time prescribed by law; and

Whereas, the whole sum of said taxes were tendered at the Treasurer's office and left there on deposit on the twenty-second day of December last, and refused by the Treas-

urer, because of the pending of the aforesaid judgment :
therefore

Resolved, That said penalty be remitted, that the Treasurer be directed to receive said taxes and receipt for the same, and that the said A. J. Murray, Sheriff as aforesaid, be allowed such compensation as the law directs.

Remitted.

Ratified the 17th day of February, A. D. 1869.

RESOLUTION IN FAVOR OF A. L. PARTAN, LATE TAX COLLECTOR
OF MACON COUNTY.

Resolved by the General Assembly of North Carolina, That A. L. Partan, late tax collector of Macon County, be and he is hereby authorized to collect the arrearages of taxes due by citizens of that County for the year eighteen hundred and sixty-seven: *Provided*, That no tax shall be collected from any tax-payer who will make oath before the proper officer that he has paid said tax and cannot from any cause produce the receipt.

Authority to collect taxes.

Proviso.

This authority shall cease on the first day of October, eighteen hundred and sixty-nine.

Ratified the 1st day of March, A. D. 1869.

RESOLUTION IN FAVOR OF J. C. BYARS, SHERIFF OF CLEVELAND
COUNTY.

Resolved by the General Assembly of North Carolina, That J. C. Byars, Sheriff of Cleveland County, be allowed until the first day of January, eighteen hundred and seventy, to collect arrears of taxes for the year eighteen hun-

Authorized to collect taxes.

Proviso.

dred and sixty-seven: *Provided*, That no person shall be compelled to pay taxes for that year who will make oath that he has paid said taxes.

Ratified the 1st day of March, A. D. 1869.

RESOLUTION IN FAVOR OF WM. THOMPSON, WILLIE D. JONES,
WM. GRIMES AND R. K. FERRELL.

Treasurer to pay
Jones and others.

Resolved, That the Public Treasurer be directed to pay Wm. Thompson forty dollars, (\$40,) Willie D. Jones, ninety-seven dollars and fifty cents, (\$97.50,) Wm. Grimes two hundred and fifty-nine dollars and ninety-three cents, (\$259.93,) and R. K. Ferrell sixty dollars, (\$60.)

Ratified the 10th day of March, A. D. 1869.

RESOLUTION FOR THE RELIEF OF JOHN L. WOOD, SHERIFF OF
PASQUOTANK COUNTY.

Preamble.

WHEREAS, The late County Court failed to levy a tax for the Insane Asylum, and for the Deaf, Dumb and Blind for said County for eighteen hundred and sixty-eight, whereby it was impossible for the Sheriff of said County to collect said tax; therefore be it

Remitted.

Resolved by the General Assembly of North Carolina, That John L. Wood, Sheriff of said County, be relieved from all penalty incurred for failure to pay over public taxes for the year eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, upon his paying all said taxes, except for the Insane, Deaf, Dumb and Blind Asylum.

Ratified the 12th day of March, A. D. 1869.

RESOLUTION IN FAVOR OF E. MURRILL, SHERIFF OF ONSLOW COUNTY.

Resolved, That E. Murrill, Sheriff of Onslow County, be allowed until the first day of January, eighteen hundred and seventy, to collect arrears of taxes due from the year eighteen hundred and sixty-six and eighteen hundred and sixty-seven; *Provided*, That no person shall be compelled to pay taxes for the years aforesaid, who will make oath that he has paid said taxes.

Allowed to collect taxes.

That E. Murrill, Sheriff as aforesaid, be and is hereby released from the payment of the sum of one thousand, for which judgment has been taken against him on account of failure to pay over taxes of eighteen hundred and sixty-eight, according to law.

Penalty remitted.

Ratified the 17th day of March, A. D. 1869.

RESOLUTION IN FAVOR OF WM. G. HIX, LATE SHERIFF OF WILKES COUNTY.

Resolved, That Wm. G. Hix, late Sheriff of Wilkes County, have his time extended twelve months for collecting the taxes yet due from a portion of the people of said County for the year eighteen hundred and sixty-seven, and that he be authorized and allowed to execute and sell the lands and other property of said delinquent tax-payers, or so much thereof as may be necessary and sufficient to pay the taxes due as aforesaid; *Provided*, That the authority by this resolution granted, shall not extend to executors, administrators, nor to any person who will voluntarily swear before any Justice of the Peace for said County, that he or she verily believes that the arrears of said taxes claimed from him or her have been paid; *Provided*, That

Time for collecting taxes extended.

Proviso.

Proviso.

the said W. G. Hix be required to give bond with satisfactory security, in such amount as the County Commissioners shall require.

Ratified the 1st day of April, A. D. 1869.

RESOLUTION IN FAVOR OF B. S. BUCHANAN, SHERIFF OF THE
COUNTY OF JACKSON.

Penalty remitted.

Resolved, the Senate concurring, That B. S. Buchanan, Sheriff for the County of Jackson, is hereby relieved from the one thousand dollar penalty incurred upon him by reason of his having failed to settle the State taxes for the year eighteen hundred and sixty-eight, and as he has deposited with the Treasurer a sufficient amount of said taxes, and cannot make settlement with the Treasurer until relieved.

Ratified the 6th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF MOORE AND CASHWELL.

Treasurer to pay.

Resolved, By the Senate, the House of Representatives concurring, That the Treasurer be directed to pay Moore and Cashwell, one hundred and seventy-three dollars (\$173,00.)

Ratified the 6th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF ELIAS LONGCRYER OF CATAWBA
COUNTY.

WHEREAS, By virtue of an act of the General Assembly, ratified twenty-sixth day of February, Anno Domini, eighteen hundred and sixty-seven, entitled "An act to raise revenue," Elias Longcryer, of the County of Catawba, was required to pay a State tax (on certain lands inherited from the brother of the said Elias Longcryer) amounting to the sum of twelve dollars, and which said tax was levied and collected in derogation of the said aforesaid act of General Assembly ratified, and which prescribed that such collateral tax should only be assessed and levied on lands descended or inherited collaterally from relatives of the second blood; therefore be it

Preamble.

Resolved, That the Public Treasurer be authorized and instructed to refund to the said Elias Longcryer the aforesaid amount of twelve dollars out of any funds in the Treasury not otherwise appropriated.

Treasurer to refund.

Ratified the 7th day of April, A. D. 1869.

RESOLUTION FOR THE RELIEF OF ROBERT B. WOOD, JR., AND
HIS SURETIES, D. E. BUNTING, P. W. FANNING, SAMUEL R.
BUNTING AND JOHN JONES.

WHEREAS, At the fall term, eighteen hundred and sixty-eight, of the Superior Court of Wake County, a summary judgment, without notice to them, was rendered in favor of the State against the said Robert B. Wood, Jr., late Clerk of the County Court of New Hanover, and his said sureties, for the penalty of his official bond, as such to be discharged

Preamble.

PRIV. 18.]

on payment of one thousand dollars and costs for a supposed default on his part as Clerk as aforesaid, in not making due return to the Auditor of the State on or before the third Monday in August, eighteen hundred and sixty-eight, of a statement of unlisted taxes collected for that year by the Sheriff of said County as was required by section eighty-three, of the revenue act of March twelve, eighteen hundred and sixty-six; and whereas, it now appears to the General Assembly, that the said Robert B. Wood, Jr., on the ninth of June, eighteen hundred and sixty-eight, as was his duty to do by law, paid over to Samuel R. Bunting, the Sheriff of New Hanover County, all State taxes received by him, the said Wood, up to June term, eighteen hundred and sixty-eight, of said County Court, and that he also paid over to J. C. Mann, Clerk of the Superior Court of said County all such taxes as were receivable and received by him subsequent to the term and up to the qualification of the said Mann, to-wit: on the sixteenth July, eighteen hundred and sixty-eight, and then turned over to said Mann all the Records, books and effects of his said office as required by law; and whereas, the said Samuel R. Bunting, who was then Sheriff of New Hanover, was not required by law to make his return of unlisted taxes collected by him for that year to the Clerk of the County Court before the second Monday in August, and the said Clerk was then required to send a duplicate of the same to the Auditor on or before the third Monday in August, and no such return having been made to the said Wood while in office, by the Sheriff, and none by law being required to be made to him, the said Wood having gone out of office before the said return was required to be made by the Sheriff, and the said Wood was therefore guilty of no default in the premises; therefore

Resolved, That the said judgment rendered in favor of the State against the said Robert B. Wood and his said sureties be, and the same is hereby released, and the said

Robert B. Wood and his said sureties are hereby fully discharged in all respects from payment of the same, and that this resolution take effect from and after its ratification.

Ratified the 10th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF THE REPORTERS OF THE TWO HOUSES OF THIS GENERAL ASSEMBLY.

Resolved, the Senate concurring, That the Treasurer of the State be directed to pay one hundred dollars each, to Messrs. Steward, Syme, Pike and Whitaker, Reporters of proceedings of the two Houses of this General Assembly, after the adjournment *sine die*, out of any moneys not otherwise appropriated. Reporters.

Ratified the 10th day of April, A. D. 1869.

RESOLUTION IN REGARD TO THE PER DIEM AND MILEAGE OF RICHARD I. WYNNE.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the Public Treasurer be authorized to pay to P. A. Wiley, Cashier, one hundred and six dollars, being the amount of draft given by Richard I. Wynne, Senator, to said Wiley, payable out of his *per diem* and mileage by the Treasurer. Mileage and per diem of R. I. Wynne

SEC. 2. That the residue of the *per diem* and mileage of the said Wynne be paid by the Public Treasurer to the personal representative of the deceased. Residue, to whom paid.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF H. MORRISON, LATE TAX COLLECTOR
FOR THE COUNTY OF JACKSON, AND R. R. M'CALL, OF THE
COUNTY OF CALDWELL.

Power to collect
taxes.

Resolved, (the Senate concurring,) That H. Morrison, late tax collector for the County of Jackson, and R. R. McCall, of the County of Caldwell, are authorized to collect the arrears of taxes still due on the tax lists of said Counties for the year eighteen hundred and sixty-seven: *Provided*, That the said H. Morrison and R. R. McCall shall not collect taxes out of any tax-payer who will make oath that he has formerly paid the taxes aforesaid, and have lost the receipt for the same: *Provided further*, That the authority given said H. Morrison and R. R. McCall, in this resolution, shall not be valid subsequent to the fifteenth day of August, eighteen hundred and sixty-nine.

Proviso.

Further proviso.

Resolved, That this resolution shall take effect from and after its passage.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION CONCERNING THE PRINCIPAL AND ASSISTANT
CLERKS OF THE TWO HOUSES.

Compensation of
Clerk.

Resolved, (the House of Representatives concurring,) That the Principal Clerk of each House receive one hundred and seventy-five dollars each for copying the Journals for the printer; and that the Assistant Clerks in each House receive one hundred dollars each.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF ANDREW O. KERR.

WHEREAS, In accordance with an act of the General Assembly, ratified in eighteen hundred and fifty-seven, authorizing the construction of a Turnpike Road, called the Jonathan's Creek and Tennessee Mountain Turnpike Company, certain moneys accruing from the sale of lands belonging to the State in Cherokee County was set apart and appropriated as a fund to pay contractors for the construction of said Road ; and

Preamble.

Whereas, Wm. P. Gillott, a contractor on said Road had owing and due to him for work and labor done on said Road the sum of four hundred and ninety-eight dollars and fifty cents, (\$498.50,) and for which a certificate for payment was regularly issued by the President of said Turnpike Company, John L. Smith, in accordance with the provisions of said act of Assembly, to the said Wm. P. Gillott, instructing the State's agent of said public lands in Cherokee County to pay that amount of four hundred and ninety-eight dollars and fifty cents to the said Wm. P. Gillott ; and

Whereas, afterwards, to-wit, in Anno Domini, eighteen hundred and sixty, the said Wm. P. Gillett assigned and set over for value received, to Andrew O. Kerr, all of his (the said Wm. P. Gillott) interest to and in said certificate for payment for the amount aforesaid of four hundred and ninety-eight dollars and fifty cents, which said certificate was during the late war lost, and no part of the same having been paid to the said Andrew O. Kerr, he being justly entitled to the payment as payee of said certificate ; and

Whereas, in the year eighteen hundred and sixty-seven, the said Andrew O. Kerr, then payee aforesaid obtained from the aforesaid John L. Smith, President aforesaid, a duplicate certificate of the aforesaid amount of four hundred and ninety-eight dollars and fifty cents, he, the said Andrew

O. Kerr, having first made oath on affidavit of the loss of the first certificate issued as aforesaid to Wm. P. Gillott, and by him transferred and assigned and set over to the said Andrew O. Kerr, and which said certificate was directly thereafter presented by the said Andrew O. Kerr, payee as aforesaid for the aforesaid State's agent for the sale of the vacant lands in Cherokee County aforesaid, for payment as therein required, and which said payment was refused by the said State's agent, because of an act of the General Assembly, ratified at the session of eighteen hundred and sixty-five and eighteen hundred and sixty-six, enacting that said public moneys or bonds, or any residue remaining in said State's agent's hands, be set apart and appropriated for the construction of the Tuckasegee and Kowee Turnpike Road in Jackson County; and

Whereas, it appears from the foregoing facts as set forth in affidavit of said Andrew O. Kerr, the payee, and John L. Smith, President aforesaid, that the amount aforesaid with interest on the same from November, eighteen hundred and sixty, is owing and still due to the said Andrew O. Kerr, no part thereof having heretofore been paid; therefore

Siler authorized
to pay, &c.

Resolved, That Jacob Siler, State's agent for the sale of the vacant lands in Cherokee County, North Carolina, be and is hereby instructed and authorized to pay over to the said Andrew O. Kerr, out of any moneys in his hands, or which may hereafter come into his hands, accruing as aforesaid from the sale of said public lands in Cherokee County belonging to the State, the aforesaid amount of four hundred and ninety-eight dollars and fifty cents, being the amount due on said aforesaid certificate, issued to the aforesaid Wm. P. Gillott, and by him assigned, transferred and set over to the said Andrew O. Kerr, and by him lost, whenever the said Andrew O. Kerr shall execute a refunding bond, with good and sufficient security, in the sum of twice the amount to be paid him, to the aforesaid agent, as agent of the State, and conditioned that payment of the

amount which the bond as aforesaid shall specify, shall be made if the aforesaid lost certificate for four hundred and ninety-eight dollars and fifty cents shall be presented and paid by the State.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF MRS. MARY WHEATON.

Resolved, (the Senate concurring,) That the Public Treasurer be authorized to pay Mrs. Mary Wheaton the sum of sixty-five dollars for services rendered at the Insane Asylum.

Public Treasurer
to pay Mrs. Wheaton

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF H. B. GUTHRIE, LATE SHERIFF OF ORANGE, AND HIS SURETIES.

WHEREAS, H. B. Guthrie, late Sheriff of Orange County, did fail to pay into the Treasury certain taxes due from said County for the year eighteen hundred and sixty-seven, and whereas, the sureties of said Guthrie have become liable for such arrearages of taxes, and the penalty of one thousand dollars for such failure; therefore

Preamble.

Resolved by the General Assembly of North Carolina, That when the taxes due as aforesaid shall be paid and accounted for to the public Treasurer, the said fine of one thousand dollars, or other penalties and forfeitures shall be remitted, and the said sureties shall not be held liable for the same.

Resolved further, That when said settlement of taxes shall be made as aforesaid, there shall also be deducted from

Commissions, &c.

the amount for which said sureties are liable, the commissions to which said Sheriff would have been entitled, had there been no default.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF W. J. W. CROWDER.

Public Treasurer
to pay W. J. W.
Crowder.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be authorized and required to pay to W. J. W. Crowder, one hundred and fifty dollars, (\$150.)

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF J. R. GRADY, SHERIFF OF HARNETT COUNTY.

Time extend

Resolved by the General Assembly of North Carolina, That James R. Grady, Sheriff of Harnett County, have until the first day of June next collect the County taxes due for the year eighteen hundred and sixty-eight.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION DIRECTING THE SECRETARY OF STATE TO FORWARD CERTAIN ACTS TO CERTAIN COUNTY OFFICERS.

Be it resolved by the General Assembly of North Carolina :

Secretary to mail
copies, &c.

SECTION 1. That the Secretary of State be required to mail to the Sheriff and County Commissioners of each

County of the State, five copies each of each of the following acts :

1. An act to provide for the collection of taxes by the several Counties of the State, on properties, polls and income.

2. An act to raise a revenue.

SEC. 2. That the Secretary of State be directed to send a copy of every act printed to each of the following officers : Each Judge of the Superior Court, Probate Judge, and Sheriff in the State.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION TO PRINT LAWS PASSED BY THIS GENERAL ASSEMBLY, WITH THE CONSTITUTION OF THE STATE, FOR INFORMATION OF OFFICERS OF THE STATE.

Be it resolved, That the Secretary of the State is directed to publish the Constitution of the State with the acts, laws, &c., passed by this General Assembly.

Secretary directed to publish.

Ratified the 12th day of April, A. D. 1869.

RESOLUTION IN FAVOR OF J. L. MOORE, LATE SHERIFF OF MACON COUNTY.

Resolved by the General Assembly of North Carolina, That J. L. Moore, late Sheriff of Macon County, be and he is hereby authorized to collect arrearages of taxes due by the citizens of that County for the year eighteen hundred and sixty-eight : *Provided*, That no tax shall be collected

Authorized to collect arrears of taxes

from any tax-payer who will make oath before the proper officer, that he has paid said tax and cannot, from any cause, produce the receipt: *Provided further*, That this authority shall cease on the first day of October, eighteen hundred and sixty-nine.

Ratified the 12th day of April, A. D. 1869.

JOINT RESOLUTION AUTHORIZING ENROLLING CLERK TO EMPLOY CLERICAL FORCE.

Authorized to employ aid.

Resolved, (the Senate concurring,) That the Enrolling Clerk be and is hereby authorized to employ such clerical aid as is necessary for the purpose of enrolling bills, at seven dollars per day.

Ratified the 12th day of April, A. D. 1869.

JOINT RESOLUTION CONCERNING JACOB SILER, STATE AGENT.

Public Treasurer authorized to pay.

Resolved by the General Assembly of North Carolina, That the Public Treasurer be directed to pay Jacob Tiler, State Agent, seven hundred and fourteen dollars and twenty-three cents for commission due him by the State.

Ratified the 12th day of April, A. D. 1869.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, September 1st, 1869.

I, HENRY J. MENNINGER, Secretary of State, hereby
certify that the foregoing are true copies of the original
acts and resolutions on file in this office.

HENRY J. MENNINGER,
Secretary of State.

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TO THE

PRIVATE ACTS AND RESOLUTIONS.

002

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